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108TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
108-812

REPORT ON LEGISLATIVE AND OVERSIGHT ACTIVITIES

OF THE

HOUSE SELECT COMMITTEE ON HOMELAND SECURITY

together with

ADDITIONAL VIEWS

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

2004

(Pursuant to House Rule XI, 1(d))



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JURISDICTION

The establishment of the Select Committee on Homeland Security was included in the Rules of the House of Representatives for the 108th Congress, H. Res. 5, agreed to on January 7, 2003. The establishment and jurisdiction of the Select Committee are as follows:

SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.

(a) ESTABLISHMENT; COMPOSITION; VACANCIES.—

(1) ESTABLISHMENT.—During the One Hundred Eighth Congress, there is established a Select Committee on Homeland Security.

(2) COMPOSITION.—The select committee shall be composed of Members appointed by the Speaker, including Members appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman. Service on the select committee shall not count against the limitations on committee service in clause 5(b)(2) of rule X.

(3) VACANCIES.—Any vacancies occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) JURISDICTION; FUNCTIONS.—

(1) LEGISLATIVE JURISDICTION.—The select committee may develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107–296) as may be referred to it by the Speaker.

(2) OVERSIGHT FUNCTION.—The select committee shall review and study on the continuing basis laws, programs, and Government activities relating to homeland security.

(3) RULES STUDY.—The select committee is authorized and directed to conduct a thorough and complete study of the operation and implementation of the rules of the House, including rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.

(c) PROCEDURE.—The rules of the House applicable to the standing committees shall govern the select committee where not inconsistent with this section.

(d) FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may use the services of staff of the House.

(e) DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall

IV

become the records of any committee designated by the Speaker.

MEMBERSHIP AND ORGANIZATION OF THE SELECT COMMITTEE ON HOMELAND SECURITY

CHRISTOPHER COX, California, *Chairman*

JENNIFER DUNN, Washington	JIM TURNER, Texas
C.W. BILL YOUNG, Florida	BENNIE G. THOMPSON, Mississippi
DON YOUNG, Alaska	LORETTA SANCHEZ, California
F. JAMES SENSENBRENNER, Jr., Wisconsin	EDWARD J. MARKEY, Massachusetts
DAVID DREIER, California	NORMAN D. DICKS, Washington
DUNCAN HUNTER, California	BARNEY FRANK, Massachusetts
HAROLD ROGERS, Kentucky	JANE HARMAN, California
SHERWOOD BOEHLERT, New York	BENJAMIN L. CARDIN, Maryland
JOE BARTON, Texas	LOUISE MCINTOSH SLAUGHTER, New York
LAMAR S. SMITH, Texas	PETER A. DeFAZIO, Oregon
CURT WELDON, Pennsylvania	NITA M. LOWEY, New York
CHRISTOPHER SHAYS, Connecticut	ROBERT E. ANDREWS, New Jersey
DAVE CAMP, Michigan	ELEANOR HOLMES NORTON, District of Columbia
LINCOLN DIAZ-BALART, Florida	ZOE LOFGREN, California
BOB GOODLATTE, Virginia	KAREN McCARTHY, Missouri
ERNEST J. ISTOOK, Jr., Oklahoma	SHEILA JACKSON-LEE, Texas
PETER T. KING, New York	BILL PASCRELL, Jr., North Carolina
JOHN LINDER, Georgia	DONNA M. CHRISTENSEN, U.S. Virgin Islands
JOHN B. SHADEGG, Arizona	BOB ETHERIDGE, North Carolina
MARK E. SOUDER, Indiana	KEN LUCAS, Kentucky
MAC THORNBERRY, Texas	JAMES R. LANGEVIN, Rhode Island
JIM GIBBONS, Nevada	KENDRICK B. MEEK, Florida
KAY GRANGER, Texas	BEN CHANDLER, Kentucky
PETE SESSIONS, Texas	
JOHN E. SWEENEY, New York	
<i>Vacancy</i>	

January 7, 2003—Establishment of the Select Committee on Homeland Security, pursuant to the provisions of H. Res. 5. Congressional Record H15.

February 12, 2003—Members appointed to the Select Committee on Homeland Security. Congressional Record H407.

March 5, 2003—Correction of the Speaker's appointment of the following Members of the House to the Select Committee on Homeland Security: Mr. Shays of Connecticut, to rank after Mr. Weldon of Pennsylvania. Congressional Record H1603.

January 20, 2004—Mr. Charles Gonzalez of Texas resigned from the Select Committee on Homeland Security. Congressional Record H61.

March 24, 2004—Mr. Ben Chandler of Kentucky was appointed to the Select Committee on Homeland Security. Congressional Record H1451.

April 27, 2004—Mr. W.J. (Billy) Tauzin of Louisiana resigned from the Select Committee on Homeland Security and Mr. Joe Barton of Texas was appointed to rank after Mr. Sherwood Boehlert of New York. Congressional Record H2395–96.

September 23, 2004—Mr. Porter Goss of Florida resigned from the House of Representatives, and subsequently, the Select Committee on Homeland Security. Congressional Record H7542.

V

SUBCOMMITTEES

SUBCOMMITTEE ON INFRASTRUCTURE AND BORDER SECURITY

DAVE CAMP, Michigan, *Chairman*

KAY GRANGER, Texas, <i>Vice Chairwoman</i>	LORETTA SANCHEZ, California
JENNIFER DUNN, Washington	EDWARD J. MARKEY, Massachusetts
DON YOUNG, Alaska	NORMAN D. DICKS, Washington
DUNCAN HUNTER, California	BARNEY FRANK, Massachusetts
LAMAR SMITH, Texas	BENJAMIN L. CARDIN, Maryland
LINCOLN DIAZ-BALART, Florida	LOUISE MCINTOSH SLAUGHTER, New York
ROBERT W. GOODLATTE, Virginia	PETER A. DeFAZIO, Oregon
ERNEST ISTOOK, Oklahoma	SHEILA JACKSON-LEE, Texas
JOHN SHADEGG, Arizona	BILL PASCRELL, JR., New Jersey
MARK SOUDER, Indiana	KENDRICK B. MEEK, Florida
JOHN SWEENEY, New York	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: border security including prevention of importation of illicit weapons, pathogens, narcotics, and other contraband; illegal entry by foreign nationals; land borders, ports, and airspace; integration of federal, state, and local immigration law enforcement; protection of highways, bridges, waterways, airports and air transportation, energy supplies, and other critical infrastructure from attack; preservation of critical government, business, and financial institutions; relevant oversight.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE

JOHN SHADEGG, Arizona, *Chairman*

CURT WELDON, Pennsylvania, <i>Vice Chairman</i>	BENNIE G. THOMPSON, Mississippi
JOE BARTON, Texas	JANE HARMAN, California
CHRISTOPHER SHAYS, Connecticut	BENJAMIN L. CARDIN, Maryland
DAVE CAMP, Michigan	PETER A. DeFAZIO, Oregon
LINCOLN DIAZ-BALART, Florida	NITA M. LOWEY, New York
PETER KING, New York	ELEANOR HOLMES NORTON, District of Columbia
MARK SOUDER, Indiana	BILL PASCRELL, JR., New Jersey
MAC THORNBERRY, Texas	DONNA M. CHRISTENSEN, U.S. Virgin Islands
JIM GIBBONS, Nevada	BOB ETHERIDGE, North Carolina
KAY GRANGER, Texas	KEN LUCAS, Kentucky
PETE SESSIONS, Texas	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: preparation for and response to chemical, biological, radiological, and other attacks on civilian populations; protection of physical infrastructure and industrial assets against terrorist attack; issues related to liability arising from terrorist attack; public health issues related to such attacks; disaster preparedness; coordination of emergency response with and among state and local governments and the private sector; homeland security technology; relevant oversight.

VI

SUBCOMMITTEE ON CYBERSECURITY, SCIENCE, AND RESEARCH & DEVELOPMENT

MAC THORNBERRY, Texas, *Chairman*

PETE SESSIONS, Texas, <i>Vice Chairman</i>	ZOE LOFGREN, California
SHERWOOD BOEHLERT, New York	LORETTA SANCHEZ, California
LAMAR SMITH, Texas	ROBERT E. ANDREWS, New Jersey
CURT WELDON, Pennsylvania	SHEILA JACKSON-LEE, Texas
DAVE CAMP, Michigan	DONNA M. CHRISTENSEN, U.S. Virgin Islands
ROBERT W. GOODLATTE, Virginia	BOB ETHERIDGE, North Carolina
PETER KING, New York	KEN LUCAS, Kentucky
JOHN LINDER, Georgia	JAMES R. LANGEVIN, Rhode Island
MARK SOUDER, Indiana	KENDRICK B. MEEK, Florida
JIM GIBBONS, Nevada	BEN CHANDLER, Kentucky
KAY GRANGER, Texas	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: security of computer, telecommunications, information technology, industrial control, electric infrastructure, and data systems, including science, research and development related thereto; protection of government and private networks and computer systems from domestic and foreign attack; prevention of injury to civilian populations and physical infrastructure caused by cyber attack; relevant oversight.

SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM

JIM GIBBONS, Nevada, *Chairman*

JOHN SWEENEY, New York, <i>Vice Chairman</i>	KAREN MCCARTHY, Missouri
JENNIFER DUNN, Washington	EDWARD J. MARKEY, Massachusetts
C.W. BILL YOUNG, Florida	NORMAN D. DICKS, Washington
HAROLD ROGERS, Kentucky	BARNEY FRANK, Massachusetts
CHRISTOPHER SHAYS, Connecticut	JANE HARMAN, California
LAMAR SMITH, Texas	NITA M. LOWEY, New York
PETER KING, New York	ROBERT E. ANDREWS, New Jersey
JOHN LINDER, Georgia	ELEANOR HOLMES NORTON, District of Columbia
JOHN SHADEGG, Arizona	JAMES R. LANGEVIN, Rhode Island
MAC THORNBERRY, Texas	KENDRICK B. MEEK, Florida
<i>Vacancy</i>	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: prevention and interdiction of terrorist attacks on American territory; liaison and integration of the Department of Homeland Security with the intelligence community and law enforcement; collection, analysis, and sharing of intelligence among agencies and levels of government as it relates to homeland security; threat identification, assessment and prioritization; integration of intelligence analysis, and sharing of intelligence, with and among federal, state, and local law enforcement; preservation of civil liberties, individual rights, and privacy; relevant oversight.

VII

SUBCOMMITTEE ON RULES

LINCOLN DIAZ-BALART, Florida, *Chairman*

JENNIFER DUNN, Washington	LOUISE McINTOSH SLAUGHTER, New York
F. JAMES SENSENBRENNER, Wisconsin	BENNIE G. THOMPSON, Mississippi
DAVID DREIER, California	LORETTA SANCHEZ, California
CURT WELDON, Pennsylvania	ZOE LOFGREN, California
JOHN LINDER, Georgia	KAREN McCARTHY, Missouri
PETE SESSIONS, Texas	BEN CHANDLER, Kentucky
<i>Vacancy</i>	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: study of the operation and implementation of the House Rules with respect to homeland security; examination of jurisdictional disputes and overlap related to the Department of Homeland Security, and homeland security in general; consideration of changes to the House Rules, pursuant to Section 4(b)(3) of H. Res. 5, necessary to ensure effective oversight of the Department of Homeland Security, and homeland security in general; relevant oversight.

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON HOMELAND SECURITY,
Washington, DC, January 3, 2005.

Hon. JEFF TRANDAHL,
Clerk of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. TRANDAHL: Pursuant to clause 1(d)(1) of Rule XI and Rule X of the Rules of the House of Representatives, here is a report of the legislative and oversight activities of the Select Committee on Homeland Security during the 108th Congress.

Sincerely,

CHRISTOPHER COX,
Chairman.

CONTENTS

Establishment and Jurisdiction	Page III
Membership and Organization	IV
History of the Select Committee on Homeland Security	1
Legislative Activities of the Select Committee on Homeland Security	5
Oversight Activities:	
Full Committee	45
Subcommittee on Infrastructure and Border Security	71
Subcommittee on Emergency Preparedness and Response	91
Subcommittee on Cybersecurity, Science, and Research & Development ...	99
Subcommittee on Intelligence and Counterterrorism	107
Subcommittee on Rules	115
Recommendation of the Select Committee on Homeland Security on Changes to the Rules of the House of Representatives	119
Appendices:	
Appendix I—Committee Rules of Procedure	125
Appendix II—Printed Hearings	134
Appendix III—List of Public Laws	137
Appendix IV—Legislation Passed by the House	138
Appendix V—Committee Legislative Reports	139
Appendix VI—Executive Communications, Memorials and Petitions	140
Appendix VII—Summary of Action on Legislation	143
Appendix VIII—Committee Staff	150
Additional Views	152

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108TH CONGRESS } 2d Session	HOUSE OF REPRESENTATIVES	{ REPORT 108-812
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LEGISLATIVE AND OVERSIGHT ACTIVITIES OF THE SELECT COMMITTEE ON HOMELAND SECURITY, 108TH CONGRESS

JANUARY 3, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. COX, from the Select Committee on Homeland Security,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

OVERVIEW

The Select Committee on Homeland Security met on March 4, 2003, for an organizational meeting for the 108th Congress under the direction of Chairman Christopher Cox of California. The Committee Membership was 51 Members with 28 Republicans and 23 Democrats.

The Committee established five Subcommittees, the: Subcommittee on Infrastructure and Border Security; Subcommittee on Emergency Preparedness and Response; Subcommittee on Cybersecurity, Science, and Research & Development; Subcommittee on Intelligence and Counterterrorism; and the Subcommittee on Rules.

HISTORY OF THE SELECT COMMITTEE ON HOMELAND SECURITY

107th Congress

In the 107th Congress, the House Select Committee on Homeland Security was established on June 19, 2002, pursuant to H. Res. 449 (adopted by voice vote). The Committee was composed of nine Members of the House: Mr. Armey, Chairman; Mr. DeLay;

Mr. Watts of Oklahoma; Ms. Pryce of Ohio; Mr. Portman; Ms. Pelosi; Mr. Frost; Mr. Menendez; and Ms. DeLauro.

The mandate of the Select Committee in the 107th Congress was to “develop recommendations and report to the House on such matters that relate to the establishment of a department of homeland security.” The Select Committee accomplished its mandate on November 22, 2002, when the House concurred in the Senate amendment to H.R. 5005 by unanimous consent, and cleared H.R. 5005 for the President. The bill was presented to the President on November 22, 2002, and was signed on November 25, 2002, becoming public law number 107–296.

The termination date of the House Select Committee on Homeland Security was “after final disposition of a bill [. . .] including final disposition of any veto message on such bill,” which occurred on November 25, 2002.

108th Congress

The House Select Committee on Homeland Security was re-established in the 108th Congress on January 7, 2003, pursuant to H. Res. 5 (adopted by a recorded vote of 221 yeas and 203 nays.) The Membership of the Select Committee was established on February 12, 2003, as: Mr. Cox of California, Chairman; Ms. Dunn of Washington; Mr. Young of Florida; Mr. Young of Alaska; Mr. Sensenbrenner of Wisconsin; Mr. Tauzin of Louisiana; Mr. Dreier of California; Mr. Hunter of California; Mr. Rogers of Kentucky; Mr. Boehlert of New York; Mr. Smith of Texas; Mr. Weldon of Pennsylvania; Mr. Shays of Connecticut; Mr. Goss of Florida; Mr. Camp of Michigan; Mr. Lincoln Diaz-Balart of Florida; Mr. Goodlatte of Virginia; Mr. Istook of Oklahoma; Mr. King of New York; Mr. Linder of Georgia; Mr. Shadegg of Arizona; Mr. Souder of Indiana; Mr. Thornberry of Texas; Mr. Gibbons of Nevada; Ms. Granger of Texas; Mr. Sessions of Texas; Mr. Sweeney of New York; Mr. Turner of Texas; Mr. Thompson of Mississippi; Ms. Loretta Sanchez of California; Mr. Markey of Massachusetts; Mr. Dicks of Washington; Mr. Frank of Massachusetts; Ms. Harman of California; Mr. Cardin of Maryland; Ms. Slaughter of New York; Mr. DeFazio of Oregon; Mrs. Lowey of New York; Mr. Andrews of New Jersey; Ms. Norton a delegate from the District of Columbia; Ms. Lofgren of California; Ms. McCarthy of Missouri; Ms. Jackson-Lee of Texas; Mr. Pascrell of New Jersey; Mrs. Christensen a delegate from the U.S. Virgin Islands; Mr. Etheridge of North Carolina; Mr. Gonzalez of Texas; Mr. Lucas of Kentucky; Mr. Langevin of Rhode Island; and Mr. Meek of Florida.

The Select Committee was authorized to develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (Public Law 107–296) as may be referred to it by the Speaker, and was charged with reviewing and studying on a continuing basis laws, programs, and Government activities relating to homeland security. In addition, the Select Committee was directed to conduct a thorough and complete study of the operation and implementation of the Rules of the House, including Rule X, with respect to the issue of homeland security, and submit its recommendations regarding any changes in the Rules of the House to the Committee on Rules not later than September 30, 2004.

On September 30, 2004, the Select Committee on Homeland Security submitted its recommendations on jurisdictional changes to the Rules of the House of Representatives to the Committee on Rules. The Select Committee recommendations are included at the end of this report.

Pursuant to H. Res. 5, the Select Committee terminated on January 2, 2005, with the expiration of the 108th Congress.

SUMMARY OF COMMITTEE ACTION IN THE ONE HUNDRED EIGHTH CONGRESS

By the end of the 108th Congress, the Select Committee held a total of 60 hearings and received testimony from 240 witnesses on a wide range of homeland security topics and measures. The Committee focused its activities around several key themes: the integration of the nearly two dozen legacy agencies within the Department of Homeland Security (particularly those in the border, transportation, and maritime security areas), risk assessment and prioritization, first responder preparedness, and information sharing between and among Federal, State, and local intelligence and law enforcement entities. The Committee's legislative and oversight efforts have encouraged the Department of Homeland Security to develop a strategic, risk-based plan with performance metrics to guide and measure its progress in enhancing homeland security. The Committee's efforts also have fostered greater awareness of the need for improvements in DHS' information analysis capabilities, and the way in which information regarding terrorist threats is shared by the Federal government with State and local governments, the private sector, and the public. In addition, the Select Committee reviewed the Department's infrastructure protection efforts, with special emphasis on its cybersecurity programs.

The Select Committee reported four pieces of legislation, all four of which passed the House and two of which became public laws in the 108th Congress. Specifically, the Select Committee considered and made significant contributions to the Project BioShield Act, and the DHS Financial Accountability Act, both of which were signed into law in 2004. The Select Committee led efforts to reform the Department's system for distributing grants for terrorism preparedness to State and local governments to ensure risk-based prioritization, culminating in House passage of H.R. 3266, the "Faster and Smarter Funding for First Responders Act," as a part of H.R. 10, the "9/11 Recommendations Implementation Act." The Select Committee also reported the Homeland Security Technical Corrections Act of 2003, which passed the House during the first session. Additionally, the Committee made significant contributions to the Intelligence Reform and Terrorism Prevention Act, which became law at the end of the second session of the 108th Congress. The Committee's legislative and oversight efforts also prompted administrative reforms in many of the areas discussed above.

LEGISLATIVE ACTIVITIES OF THE SELECT COMMITTEE ON HOMELAND SECURITY

CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003

Public Law 108–7 (H.J. Res. 2)

Making further continuing appropriations for the fiscal year 2003, and for other purposes.

Summary

The purpose of H.J. Res. 2 is to extend the current continuing resolution for Fiscal Year 2003 to allow the government to continue to operate through January 31, 2003. As included in the Conference Report, H.J. Res. 2 includes the following provisions within the jurisdiction of the Select Committee on Homeland Security.

Title I, Section 112, of H.J. Res. 2 requires that the Attorney General, “in consultation with the Secretary of Homeland Security, shall provide to the Committees on Appropriations by March 1, 2003, all National Security Entry Exit Registration System documents and materials.”

Title IV: General Provisions: contains provisions authorizing the Secretary of the Department of Homeland Security to acquire certain undeveloped property adjacent to a Federal Emergency Management Agency facility in Clarke County and Loudoun County, Virginia.

Division L of Title IV: Homeland Security Act of 2002 Amendments—Homeland Security Act Amendments of 2003, amends the Homeland Security Act of 2002 (P.L. 107–296) to: (1) expand the discretion of the Secretary of the Department of Homeland Security to apply listed criteria and to include additional criteria in designating university-based centers for homeland security; (2) require the Secretary to publish the criteria excepted or added and the justification for the criteria used; and (3) report annually on center designation or modification.

Section 101(c) allows the Secretary to waive the prohibition against Federal contracts with foreign incorporated entities that are treated as inverted domestic corporations, with respect to any specific contract, only if the Secretary determines that the waiver is required in the interest of homeland security.

Section 104 requires the Department to have an Office of the Inspector General. This Act authorizes the Department’s Inspector General to (1) conduct and supervise such audits and investigations in the Department as considered appropriate; (2) require that any reports of particularly serious problems or abuses relating to the administration of programs and operations required to be transmitted by the Secretary to the appropriate Congressional commit-

tees and subcommittees also be transmitted to the President of the Senate and the Speaker of the House of Representatives; and (3) conduct oversight of the internal investigations performed by the Bureau of Border Security and the Bureau of Citizenship and Immigration Services.

Section 105 charges the Secretary of the Department of Homeland Security with the administration and enforcement of laws relating to the immigration and naturalization of aliens.

Section 107 restores provisions of the Immigration and Nationality Act that allow fees for providing adjudication and naturalization services to be set at a level that will ensure recovery of the full costs of providing all such services, including the costs of similar services provided without charge to asylum applicants or other immigrants.

Division J—Treasury and General Government Appropriations; Title I—Department of the Treasury includes provisions providing for funding of the U.S. Coast Guard and the operation and maintenance and procurement of the Air and Marine Programs.

Legislative History

H.J. Res. 2 was introduced on January 7, 2003, by Representative C. W. Bill Young of Florida, and referred solely to the Committee on Appropriations.

The Committee on Rules met on January 7, 2003, and granted a Rule providing for the consideration of H.J. Res. 2. The Rule was filed in the House as H. Res. 15 (H. Rpt. 108–2). On January 7, 2003, the House passed H. Res. 15 by voice vote.

The House considered H.J. Res. 2 on January 8, 2003, pursuant to the provisions of H. Res. 15, and passed the bill, without amendment, by voice vote. H.J. Res. 2 was received in the Senate, read for the first time and placed on the Senate Calendar on January 9, 2003.

The Senate read H.J. Res. 2 a second time on January 10, 2003. The Senate considered H.J. Res. 2 on January 15, 16, 17, 21, 22, and 23, 2003. On January 23, 2003, the Senate passed H.J. Res. 2, amended, by a recorded vote of 69 yeas and 29 nays (Record Vote No. 28). On that same day, the Senate insisted upon its amendments, requested a Conference with the House and appointed the following conferees, Senators: Stevens, Cochran, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Campbell, Craig, Hutchison, DeWine, Brownback, Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, and Landrieu.

On January 29, 2003, the House disagreed to the Senate amendment to H.J. Res. 2 and agreed to a Conference with the Senate. The Speaker appointed the following conferees, Representatives: Young of Florida, Regula, Rogers of Kentucky, Wolf, Kolbe, Walsh, Taylor of North Carolina, Hobson, Istook, Bonilla, Knollenberg, Kingston, Obey, Murtha, Dicks, Sabo, Mollohan, Kaptur, Visclosky, Lowey, Serrano, and Moran of Virginia. On February 4, 2003, the Speaker appointed additional conferees, Representatives: Lewis of California and Hoyer.

On February 7, 2003, the Chairman and Ranking Member of the Select Committee on Homeland Security sent a letter to the Chair-

man of the Committee on Appropriations waiving jurisdiction over certain sections of H.J. Res. 2, as passed by the Senate. The letter indicated that the Select Committee would not waive jurisdiction over provisions relating to various sections including: Division B, Title I relating to CHIMERA, which was removed during the House-Senate Conference.

Conferees met on February 10 and 11, 2003. The Conference Committee filed a report in the House on February 13, 2003, (H. Rept. 108–10).

On February 13, 2003, the Committee on Rules filed a Rule (H. Res. 71) providing for the consideration of the Conference Report to H.J. Res. 2. The Rule provided that, upon adoption of the Rule, the House is deemed to have passed H. Con. Res. 35, which made enrollment corrections to H.J. Res. 2. The House considered the Conference Report to H.J. Res. 2 on February 13, 2003, and agreed to the report by a recorded vote of 338 yeas and 83 nays (Record Vote No. 32).

On February 13, 2003, the Conference Report was received in the Senate and held at the Desk. The Senate considered the Conference Report to H.J. Res. 2 on February 13, 2003, and agreed to the Report by a recorded vote of 76 yeas and 20 nays (Record Vote No. 34). Pursuant to the provisions of H. Con. Res. 35, enrollment corrections on H.J. Res. 2 had been made, thus clearing the measure for the President.

On February 19, 2003, H.J. Res. 2 was presented to the President. The President approved H.J. Res. 2 on February 20, 2003, as Public Law 108–7.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Public Law 108–90 (H.R. 2555)

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

Summary

The Department of Homeland Security Appropriations Act, 2004—the first ever appropriations for the new Federal Department—provides \$29.4 billion of FY2004 discretionary appropriations for the Department of Homeland Security.

Pubic Law 108–90 included appropriations of \$5.6 billion for bio-defense countermeasures, referred to as Project BioShield, to remain available until September 30, 2013. The bill limits the availability of these funds for obligation, so that no more than \$3.4 billion may be obligated during the next four years, and no more than \$890 million may be obligated in FY2004. This specific funding arrangement for Project BioShield conforms to the limitations of the provisions of Section 404 provisions of H. Con. Res. 95, the FY2004 budget resolution, and was included in the Appropriations Act at the request of the Select Committee on Homeland Security and the Committee on Energy and Commerce.

The Department of Homeland Security Appropriations bill for Fiscal Year 2004 provides total appropriations, including non-discretionary spending, of \$30.4 billion for FY2004 through four sepa-

rate titles: Department Management and Operations (\$455 million); Security, Enforcement, and Investigations (\$19.1 billion); Preparedness and Recovery (\$8.4 billion); and Research and Development, Training, Assessments, and Services (\$2.2 billion). Included within Title II are the major security functions of Customs and Border Protection (\$4.9 billion); Immigration and Customs Enforcement (\$3.4 billion); the Transportation Security Administration (\$5.2 billion); the U.S. Coast Guard (\$6.8 billion); and the U.S. Secret Service (\$1.0 billion). Title II also included \$330 million to fund operations of the Visitor and Immigration Status Indicator Technology project (US-VISIT) for FY2004. Title III provides \$4.0 billion for the Office for Domestic Preparedness.

Legislative History

On June 23, 2003, the Committee on Appropriations reported an original measure in the House (H. Rpt. 108–169). The measure introduced in the House as H.R. 2555.

On June 23, 2003, the Chairman of the Select Committee on Homeland Security sent a letter to the Chairman of the Committee on Rules indicating that an amendment within the text of H.R. 2555 as reported to the House (Sec. 521) relating to “Clarification of Prohibition on Contracting with Foreign Incorporated Entities” is in violation of House Rule XXI, clause 2, and requested that this provision not be protected from a point of order.

The Committee on Rules met and granted a Rule providing for the consideration of H.R. 2555 on June 23, 2003. The Rule was filed in the House as H. Res. 293 (H. Rpt. 108–175).

The House passed H. Res. 293 on June 24, 2003, by a recorded vote of 220 yeas and 197 nays (Roll Call Vote No. 302).

On June 24, 2003, the House considered H.R. 2555 under the provisions of H. Res. 293. A point of order was sustained against the content of section 521 of H.R. 2555 relating to the prohibition on contracting with foreign incorporated entities. The House passed H.R. 2555, amended, by a recorded vote of 425 yeas and 2 nays (Roll Call Vote No. 310).

On June 25, 2003, H.R. 2555 was received in the Senate, read twice, and referred to the Senate Committee on Appropriations. The Senate Committee on Appropriations reported H.R. 2555 to the Senate, with an amendment in the nature of a substitute on July 10, 2003, (H. Rpt. 108–86).

The Senate Committee on Appropriations ordered H.R. 2555 reported to the Senate, amended, on July 10, 2003; and filed their report in the Senate (S. Rpt. 108–86).

The Senate considered H.R. 2555 on July 21, 22, 23, and 24, 2003. On July 24, 2003, the Senate passed H.R. 2555, amended, by a recorded vote of 93 yeas and 1 nay (Record Vote No. 306). The Senate insisted upon its amendment to H.R. 2555, requested a Conference with the House, and appointed conferees, Senators: Cochran, Stevens, Specter, Domenici, McConnell, Shelby, Gregg, Campbell, Craig, Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Kohl, and Murray.

On July 25, 2003, the Senate agreed to a unanimous consent providing that, notwithstanding the July 24, 2003, passage of H.R. 2555, Homeland Security Appropriations, the Hutchison Amend-

ment No. 1364, to provide for advanced funding to authorize entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act who respond to disasters declared by the President, which was previously agreed to, was modified by the Senate.

On September 10, 2003, the House disagreed to the Senate amendment to H.R. 2555, and agreed to a Conference thereon. The House agreed to a motion to instruct House conferees by a recorded vote of 347 yeas and 74 nays (Roll Call Vote No. 494). On September 10, 2003, the Speaker appointed conferees, Representatives: Rogers of Kentucky, Young of Florida, Wolf, Wamp, Latham, Emerson, Granger, Sweeney, Sherwood, Sabo, Price of North Carolina, Serrano, Roybal-Allard, Berry, Mollohan, and Obey.

The Conferees met and agreed to file a Conference Report to accompany H.R. 2555 on September 17, 2003. The Conference Report was filed in the House as H. Rpt. 108-280 on September 23, 2003.

The Committee on Rules met and filed a Rule providing for the consideration of the Conference Report to accompany H.R. 2555. The Rule was filed in the House as H. Res. 374 (H. Rpt. 108-281). The House agreed to H. Res. 374 on September 24, 2003.

The House considered the Conference Report to accompany H.R. 2555 on September 24, 2003. A motion to recommit back to the Conference Committee with instructions failed by a recorded vote of 198 yeas and 226 nays (Roll Call Vote No. 514). The House agreed to the Conference Report by a recorded vote of 417 yeas and 9 nays (Roll Call Vote No. 515).

The Senate considered the Conference Report to accompany H.R. 2555 on September 24, 2003. The Senate agreed to the Conference Report by voice vote, clearing the measure for the President.

H.R. 2555 was presented to the President on September 26, 2003. The President signed H.R. 2555 into law on October 1, 2003, as Public Law 108-90.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Public Law 108-136, H.R. 1588 (S. 1047 / S. 1050)

To authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Summary

The National Defense Authorization Act for Fiscal Year 2004, authorizes appropriations for the Department of Defense for Fiscal Year 2004.

Members of the Select Committee on Homeland Security were appointed as conferees on Section 1456, Amendments Relating to Federal Emergency Procurement Flexibility, which was included in section 1443 of the public law. Section 1443 provides for procurement of property or services to be used in support of a contingency operation, or to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the United States.

The Conference Report included the following additional items of interest to the Committee:

The conferees agreed, in section 1602, to authorize the Secretary of Defense to enter into an interagency agreement with the Secretary of Homeland Security and the Secretary of Health and Human Services to provide for acquisition by the Secretary of Defense for use by the Armed Forces of biomedical countermeasures procured for the Strategic National Stockpile by the Secretary of Health and Human Services. The amendment authorized the Secretary of Defense to transfer those funds to the Secretary of Health and Human Services that are necessary to carry out such agreements and the Secretary of Health and Human Services to expend any such transferred funds to procure such counter-measures for use by the Armed Forces, or to replenish the stockpile. The Select Committee on Homeland Security participated in the negotiations with respect to this provision.

Legislative History

H.R. 1588 was introduced on April 3, 2003, by Representatives Duncan, Hunter and Skelton. H.R. 1588 was referred solely to the Committee on Armed Services. On May 14, 2003, the Committee on Armed Services ordered H.R. 1588 favorably reported to the House, amended, by a recorded vote of 58 yeas and 2 nays.

On May 13, 2003, the Senate Committee on Armed Services reported an original, companion, measure which was introduced in the Senate as S. 1047 (No Written Report). The Senate Committee on Armed Services also reported an additional companion bill, S. 1050 on May 13, 2003, (S. Rpt. 108–46).

On May 16, 2003, the House Committee on Armed Services reported H.R. 1588 to the House (H. Rpt. 106–106).

On May 20, 2003, the Committee on Rules met and granted a Rule providing for the consideration of H.R. 1588. The Rule was filed in the House as H. Res. 245 (H. Rpt. 108–120). On May 21, 2003, the House passed H. Res. 245 by a recorded vote of 224 yeas and 200 nays (Roll No. 202).

On May 21, 2003, the Committee on Armed Services filed a supplemental report to H.R. 1558 (H. Rpt. 108–106, Pt. 2).

Pursuant to the provisions of H. Res. 245, the House considered H.R. 1588 on May 21, 2003. On May 21, 2003, an amendment offered by Mr. Goode (A002), to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions, was agreed to by a recorded vote of 250 yeas and 179 nays (Roll No. 206). However, this provision was removed during the House-Senate Conference on H.R. 1588.

On May 21, 2003, the Committee on Rules met and granted a Rule providing for further consideration of H.R. 1588. The Rule was filed in the House as H. Res. 247 (H. Rpt. 108–122). On May 21, 2003, the House passed H. Res. 247 by a recorded vote of 222 yeas and 199 nays with 2 voting Present (Roll No. 208).

The House continued consideration of H.R. 1588 on May 22, 2003, pursuant to provisions of H. Res. 247; and on that date

passed the bill, amended, by a recorded vote of 361 yeas and 68 nays (Roll No. 221).

On May 22, 2003, the Senate considered S. 1050, and passed the bill, amended, by a recorded vote of 98 yeas and 1 nay (Record Vote No. 194). By unanimous consent, the Senate considered S. 1047 and struck all after the enacting clause and inserted the text of S. 1050, a second companion measure, as amended. The Senate then passed S. 1047, as so amended, by unanimous consent.

On June 4, 2003, by unanimous consent, the Senate considered H.R. 1588, struck all after the enacting clause and inserted the text of S. 1050 in lieu thereof. The Senate then passed H.R. 1588, as amended, by voice vote.

On June 4, 2003, the Senate insisted upon its amendment to H.R. 1588 and requested a Conference with the House. The Senate appointed the following Senators to the Conference: Warner, McCain, Inhofe, Roberts, Allard, Sessions, Collins, Ensign, Talent, Chambliss, Graham of South Carolina, Dole, Cornyn, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Dayton, Bayh, Clinton, and Pryor.

The House disagreed to the Senate amendment to H.R. 1588 and agreed to a Conference with the Senate on July 16, 2003. The House agreed to a motion to instruct House Conferees.

The Speaker appointed on July 16, 2003, conferees for consideration of the bill or certain sections thereof from the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Agriculture, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform, the Committee on House Administration, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, the Committee on Ways and Means, and the Select Committee on Homeland Security for consideration of sec. 1456 of the House bill, and modifications committed to Conference: Representatives Cox, Shadegg, and Thompson of Mississippi.

A House-Senate Conference was held on July 22, 2003.

A motion to instruct House Conferees was agreed to in the House on September 10, 2003, by a recorded vote of 406 yeas and 0 nays (Roll Call Vote No. 500). A motion to instruct House Conferees was agreed to in the House on September 17, 2003, by a recorded vote of 298 yeas and 118 nays (Roll Call Vote No. 511). A motion to instruct House Conferees was agreed to in the House on September 25, 2003, by a recorded vote of 356 yeas and 67 nays (Roll Call Vote No. 523).

On November 5, 2003, the conferees agreed to file a Conference Report. A unanimous consent request on November 6, 2003, providing that the managers on the part of the House have until the morning of November 7, 2003, to file the Conference Report on H.R. 1588, was agreed to.

The Committee on Rules met on November 6, 2003, and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 1588. The Rule was filed in the House as H. Res.

434 (H. Rpt. 108–352). The Rule waived clause 6(a) of Rule XIII (requiring a two-thirds vote to consider a Rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applied the waiver to any special Rule reported on the legislative day of November 7, 2003, providing for consideration or disposition of a Conference report to accompany H.R. 1588.

On November 7, 2003, the House considered the Conference Report to accompany H.R. 1588 under the provisions of H. Res. 437. The House rejected a motion to recommit the bill to the Conference Committee with instructions by a recorded vote of 188 yeas to 217 nays (Roll No. 616). The House agreed to the Conference Report to accompany H.R. 1588 by a recorded vote of 362 yeas and 40 nays, with two voting “present” (Roll Call Vote No. 617).

The message on House action and the Conference Papers were received in the Senate and held at the Desk on November 7, 2003. On November 11 and 12, 2003, the Senate considered the Conference Report to accompany H.R. 1588. The Senate agreed to the Conference Report by a recorded vote of 95 yeas and 3 nays (Vote No. 447), clearing the measure for the President on November 12, 2003.

On November 24, 2003, H.R. 1588 was presented to the President. The President signed H.R. 1588 into law on November 24, 2003, as Public Law 108–136.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Public Law 108–177 (H.R. 2417 / S. 1025)

To authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Summary

Sections of the bill of particular interest to the Select Committee on Homeland Security include the following:

Section 316 amends the Homeland Security Act of 2002 (Public Law 107–296) to add a new section relating to a pilot program to encourage information sharing among Federal, State, and local government officials. This pilot program provides State and local governments access to certain intelligence information collected by the Department of Homeland Security, and other intelligence entities.

Section 354 requires the President to report to the appropriate Committees in Congress on current policy and regulatory impediments to the sharing of classified information across and among Federal departments and agencies, and between Federal departments and agencies and agencies of State and local governments and the private sector, for national security purposes, including homeland security.

Section 359 directs the Secretary of Homeland Security to report to specified Congressional committees on the operations of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security and the Terrorist Threat Integration Center.

Section 360 directs the President to submit a report on the Terrorist Screening Center to analyze various aspects of the new center, including: an assessment of the impact of the Terrorist Screening Center on current law enforcement systems; and the practical impact, if any, of the operations of the Terrorist Screening Center on individual liberties and privacy.

Legislative History

H.R. 2417 was introduced on June 11, 2003, by Representative Goss and was referred solely to the Permanent Select Committee on Intelligence. The Permanent Select Committee on Intelligence reported H.R. 2417 to the House on June 19, 2003 (H. Rpt. 108-163).

On June 25, 2003, the Chairman of the Select Committee on Homeland Security sent a letter to the Speaker of the House requesting a sequential referral of H.R. 2417. The letter indicated that section 336 of the bill (subsequently re-numbered as section 360), relating to the creation of two advisory councils under the Director of the Terrorist Threat Integration Center, is within the jurisdiction of the Select Committee on Homeland Security. The Chairman of the Select Committee on Homeland Security also sent a letter to the Chairman of the Permanent Select Committee on Intelligence, reflecting an understanding relating to the assertion of jurisdiction over provisions in the legislation, and the support for the appointment of conferees by the Select Committee on Homeland Security Committee should a Conference Committee of the House and Senate be requested. This section was altered from a pilot program in the House-passed version to a report submitted to Congress discussing the impact upon privacy, civil liberties, and State and local needs the House-Senate Conference on this measure.

The House considered H.R. 2417 on June 25, 26, and 27, 2003. On June 27, 2003 (Legislative Day of June 26), the House passed H.R. 2417 by a recorded vote of 410 yeas and 9 nays (Roll Call Vote No. 333).

The Senate received H.R. 2417, read the measure twice, and placed it on the Senate Legislative Calendar on June 27, 2003.

The Senate considered H.R. 2417 by unanimous consent on July 31, 2003 (Legislative Day July 21). The Senate struck all after the enacting clause and inserted the text of S. 1025, as amended, in lieu thereof. The Senate subsequently passed H.R. 2417, as so amended. The Senate then insisted upon its amendment to H.R. 2417, and requested a Conference with the House thereon.

The Senate appointed conferees on August 1, 2003; from the Senate Select Committee on Intelligence and the Senate Committee on Armed Services.

On November 18, 2003, the House disagreed to the Senate amendment and agreed to a Conference thereon by voice vote.

The House agreed on November 18, 2003, to instruct House conferees by a recorded vote of 404 yeas and 12 nays (Roll No. 633).

On November 18, 2003, the Speaker appointed conferees for consideration of the bill or certain sections thereof: from the Permanent Select Committee on Intelligence and the Committee on Armed Services.

Conferees met and on November 19, 2003, agreed to file a Conference Report. The Conference Report was filed in the House on November 19, 2003, as H. Rpt. 108–381.

The House considered the Conference Report to accompany H.R. 2417 under the provisions of H. Res. 451 on November 20, 2003. On the same day, the House agreed to the Conference Report to accompany H.R. 2417 by a recorded vote of 264 yeas and 163 nays (Roll No. 649).

The Senate proceeded to the consideration of the Conference Report to accompany H.R. 2417 on November 21, 2003, and agreed to the Conference Report, clearing the measure for the President.

H.R. 2417 was presented to the President on December 2, 2003, and the President signed H.R. 2417 into law on December 13, 2003, as Public Law 108–177.

TRANSFER OF NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA

Public Law 108–268 (H.R. 4322)

To provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

Summary

H.R. 4322 authorizes the Secretary of the Department of Homeland Security to establish a headquarters complex at the Nebraska Avenue Naval Complex in Washington, D.C., and requires the Secretary of the Navy to transfer jurisdiction of the complex to the Administrator of General Services Administration no later than January 1, 2005. The bill also requires the Department of Homeland Security to pay the Navy for the costs to relocate its activities to alternate facilities on an interim basis and pay the Navy for its costs to occupy those facilities for the first year.

Legislative History

H.R. 4322 was introduced in the House on May 11, 2004, by Representatives Hunter and Cox, as the product of a collaborative effort by the Select Committee on Homeland Security and the Committee on Armed Services to make use of existing facilities to house the headquarters for the new Department of Homeland Security. The bill was referred to the Committee on Armed Services.

The Committee on Armed Services ordered H.R. 4322 favorably reported to the House.

On May 14, 2004, the Chairman of the Select Committee on Homeland Security sent a letter to the Chairman of the Committee on Armed Services indicating that in order to expedite consideration in the House, the Select Committee would not insist on its right to a sequential referral of H.R. 4322, provided that the waiver of its right to a sequential referral would not prejudice the Select Committee on Homeland Security's jurisdictional interests in the legislation.

The House considered H.R. 4322 under Suspension of the Rules on June 14, 2004, and passed the bill, as amended, by a voice vote. The House also amended the title so as to read: “to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.”

H.R. 4322 was received in the Senate and read twice on June 15, 2004. The Senate considered H.R. 4322 on June 21, 2004, and passed the bill, without amendment, clearing the measure for the President.

On June 23, 2004, H.R. 4322 was presented to the President. The President signed H.R. 4322 into law on July 2, 2004, as Public Law 108–268.

Provisions of H.R. 4322 also were included in section 2841 of H.R. 4200, section 2825 of S. 2400, and H.R. 4568, but were removed during the House-Senate Conference thereon.

PROJECT BIOSHIELD ACT OF 2003

Public Law 108–276, S. 15 (H.R. 2122 / S. 1504)

To enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

Summary

To encourage the development and procurement of new biological countermeasures for weapons of mass destruction, the President proposed Project BioShield in his 2003 State of the Union Address. H.R. 2122, the “Project BioShield Act of 2003” contains many of the President’s proposals. The bill provides expedited procedures for terrorism-related procurements and peer review of research and development proposals, making it easier for the Department of Homeland Security and the Department of Health and Human Services (HHS) to quickly commit substantial funds for countermeasure projects. The Secretary of Homeland Security is responsible for identifying the most likely biological, chemical, radiological and nuclear agents terrorists might employ in attacks against the United States. The Secretary of Homeland Security also receives a 10-year advance funding authority to contract, in coordination with HHS and with the approval of the President, for purchases of countermeasures to deal with such agents. Another provision gives the Secretary of HHS the power to temporarily allow the emergency use of countermeasures that lack Food and Drug Administration approval, provided that the benefits of such use outweigh the risks.

Legislative History

S. 15, was introduced in the Senate by Senators Gregg, Frist, Alexander, Warner, Enzi, Sessions, Roberts, and Graham of South Carolina on March 11, 2003. S. 15 was referred to the Senate Committee on Health, Education, Labor, and Pensions. On March 25, 2003, the Senate Committee on Health, Education, Labor, and Pensions reported S. 15 to the Senate (No Written Report).

On March 27, 2003, prior to the introduction of H.R. 2122, the House companion bill to S. 15, the Subcommittee on Emergency Preparedness and Response and the Committee on Energy and Commerce Subcommittee on Health held a joint oversight hearing entitled "Furthering Public Health: Project BioShield." Testimony was received from: the Honorable Tommy Thompson, Secretary, Department of Health and Human Services; Dr. Michael Friedman, Chief Medical Officer for Biomedical Preparedness, PhRMA; Dr. Gary Noble, Vice President of Medical and Public Affairs, Johnson & Johnson on behalf of AdvaMed; Dr. J. Leighton Read, General Partner, Biotechnology Industry Organization; and Dr. James Baker, Jr., Ruth Dow Doan Professor, Director, Center for Biological Nanotechnology.

H.R. 2122 was introduced in the House on May 15, 2003, by Mr. Tauzin, Mr. Dingell, Mr. Cox, and 12 original cosponsors. H.R. 2122 was referred to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform and the Select Committee on Homeland Security. The Select Committee retained H.R. 2122 at the Full Committee.

On May 15, 2003, the Full Committee held an oversight hearing entitled "BioShield: Countering the Bioterrorist Threat." Testimony was received from: Dr. Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases; Dr. L. Garry Adams, Associate Dean for Research, Biodefense & Infectious Diseases, College of Veterinary Medicine, Texas A&M University; Dr. Clarence James Peters, Director for Biodefense, Center for Biodefense and Emerging Infectious Diseases, University of Texas Medical Branch; Dr. Ronald Crystal, Professor and Chairman, Department of Genetic Medicine, Weill Medical College of Cornell University; Dr. William A. Haseltine, Chairman and Chief Executive Officer, Human Genome Sciences, Inc.; Mr. Alan Pemberton, Pharmaceutical Research and Manufacturers of America; Mr. Robert J. Sutcliffe, Director, President and Chief Executive Officer, Digital Gene Technologies, Inc.; and Mr. Frank M. Rapoport, Partner, McKenna Long & Aldridge LLP.

On May 15, 2003, the Committee on Energy and Commerce met and ordered H.R. 2122 favorably reported to the House, amended, by voice vote.

On May 22, 2003, the Committee on Government Reform met and ordered H.R. 2122 favorably reported to the House, amended.

On June 5, 2003, the Subcommittee on Emergency Preparedness and Response held a joint hearing with the Subcommittee on Intelligence and Counterterrorism entitled "Does the Homeland Security Act of 2002 Give the Department the Tools It Needs to Determine Which Bio-Warfare Threats are Most Serious?" Testimony was received from: Mr. Paul J. Redmond, Assistant Secretary, Information Analysis, Department of Homeland Security; and Mr. Eric Tolbert, Director, Response Division, Emergency Preparedness and Response Directorate, Department of Homeland Security.

On June 6, 2003, the Full Committee held an oversight hearing entitled "BioShield: Lessons from Current Efforts to Develop Bio-Warfare Countermeasures." Testimony was received from: Dr. John Ring La Montagne, Deputy Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Department

of Health and Human Services; Dr. Ali Khan, Chief Science Officer, Parasitic Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention, Department of Health and Human Services; and Mr. Joseph M. Henderson, Associate Director for Terrorism Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services.

The Committee on Energy and Commerce filed a report on H.R. 2122 in the House on June 10, 2003 (H. Rpt. 108–147, Pt. 1). On that date, the Speaker sequentially referred H.R. 2122 to the Committee on Armed Services for a period ending not later than June 11, 2003. Also on June 10, 2003, the referral of H.R. 2122 to the Committee on Government Reform and the Select Committee on Homeland Security was extended for a period ending not later than June 13, 2003. The Committee on Armed Services was discharged from further consideration of H.R. 2122 on June 11, 2003. The Committee on Government Reform filed a report on H.R. 2122 in the House on June 12, 2003, (H. Rpt. 108–147, Pt. 2). On June 13, 2003, the referral of the bill to the Select Committee on Homeland Security was extended for a period ending not later than June 27, 2003.

The Select Committee met in open markup session on June 26, 2003, and ordered the bill favorably reported to the House, amended, by a recorded vote of 29 yeas and 0 nays (Roll Call Vote No. 4).

On July 8, 2003, the Select Committee on Homeland Security filed a report on H.R. 2122 in the House (H. Rpt. 108–147, Pt. 3).

On July 16, 2003, the House considered H.R. 2122 under a previous order, and the House passed H.R. 2122 amended, by a recorded vote of 421 yeas and 2 nays (Roll No. 373).

H.R. 2122 was received in the Senate, read twice, and placed on the Senate Legislative Calendar under General Orders on July 17, 2003.

On May 18, 2004, a unanimous consent agreement was reached in the Senate providing for the consideration of S. 15 with one amendment consisting of the text of S. 1504. The Senate passed S. 15, as amended, on May 19, 2004, by a vote of 99 yeas and 0 nays.

S. 15 was received in the House and held at the Desk on May 20, 2004. On July 13, 2004, the House agreed to consider S. 15. The House considered S. 15 on July 14, 2004, and passed the bill by a recorded vote of 414 yeas and 2 nays, clearing the measure for the President.

On July 16, 2004, S. 15 was presented to the President. The President signed S. 15 into law on July 21, 2004, as Public Law 108–276.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

Public Law 108–293 (H.R. 2443)

To authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

Summary

Sections of Public Law 108–293 were of particular interest to the Select Committee.

Section 205, Indemnity for Disabling Vessels Liable to Seizure or Examination, permits the Commanding Officer of a Coast Guard Cutter to order disabling fire on a suspect vessel in lieu of warning shots whenever firing warning shots would unreasonably endanger persons or property in the vicinity. This provision addresses the increased possibility that the Coast Guard will need to use disabling fire within ports and inshore situations as Coast Guard Cutters perform homeland security patrols.

Section 223, Delegation of Port Security Authority, designates that the President may delegate the authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating.

Section 803, Maritime Information, authorizes appropriations to develop a system that collects, integrates and analyzes information relating to vessels (including the crew, passengers, cargo and intermodal shipments) in, or bound for, the United States. The system would include a Terrorist Risk Profiling function. This provision also authorizes appropriations for the establishment of a Long-Range Vessel Tracking System, which will track all properly equipped vessels in United States waters in order to improve Maritime Domain Awareness and the Coast Guard's ability to detect unauthorized vessels that could pose a threat to the homeland.

Section 806, Membership of Area Maritime Security Advisory Committees, mandates the inclusion of representatives of the port industry, terminal operators, port labor organizations, and other users of the port areas on Area Maritime Security Advisory Committees. These Committees exist to advise and make recommendations to the Secretary of Homeland Security on national maritime security matters, and include other Department elements in addition to the Coast Guard.

Section 809, Vessel and Intermodal Security Reports, directs the Coast Guard to study and report on the number of vessels and vessel-borne cargo containers entering the U.S. annually, in order to help develop future cargo container security initiatives.

Provisions of the House-passed version of H.R. 2443 included one additional provision of interest to the Committee but which was struck from the House-Senate Conference on the measure.

Section 627 of the House bill, Priority for Public Transportation Systems in Making Grants for Implementation of Security Plans, gives public transportation systems top priority for funding in the Port Security Grant Program.

Legislative History

H.R. 2443 was introduced in the House by Representative Don Young of Alaska and three original cosponsors on June 12, 2003. The measure was referred to the Committee on Transportation and Infrastructure.

On June 25, 2003, the Committee on Transportation and Infrastructure ordered H.R. 2443 reported to the House, amended, by voice vote. The Committee on Transportation and Infrastructure re-

ported H.R. 2443 to the House on July 24, 2003, report filed as H. Rpt. 108–233.

The Committee on Rules met on October 28, 2003, and filed a Rule providing for the consideration of H.R. 2443. The Rule was filed in the House as H. Res. 416 (H. Rpt. 108–331).

The Chairman of the Select Committee on Homeland Security sent a letter to the Speaker of the House on October 29, 2003, indicating that proposed amendments to H.R. 2433 are within the jurisdiction of the Select Committee on Homeland Security, however the Select Committee would waive consideration of the measure and the underlying amendments.

The House considered H.R. 2443 under the provisions of H. Res. 416 and passed the bill, amended, by voice vote on November 5, 2003.

On November 6, 2003, the measure was received in the Senate, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

On March 30, 2004, by unanimous consent, the Senate discharged the Senate Committee on Commerce, Science, and Transportation, and proceeded to the consideration of H.R. 2443. The Senate then passed H.R. 2443, with an amendment and an amendment to the Title by Unanimous Consent.

The Senate on March 30, 2004, insisted upon its amendments to H.R. 2433, requested a Conference with the House thereon, and appointed conferees, Senators: McCain; Stevens; Lott; Hutchison; Snowe; Hollings; Inouye; Breaux; Wyden; Inhofe; Jeffords.

On April 21, 2004, the Chairman of the Select Committee on Homeland Security sent a letter to the Speaker of the House requesting the appointment of Members of the Select Committee on Homeland Security as conferees on the House-Senate Committee of Conference on H.R. 2443.

The House disagreed to the Senate amendments to H.R. 2443 on May 6, 2004, and agreed to a Conference thereon. The Speaker appointed Conferees for consideration of the bill or certain sections thereof: From the Committee on Transportation and Infrastructure; and Representatives Cox and Thompson of Mississippi.

Conferees met on May 13, 2004. On July 14, 2004, the Committee on Conference agreed to file a Conference report on the differences between the Senate and House passed versions of H.R. 2443. The Conference Report to accompany H.R. 2443 filed in the House on July 20, 2004, as H. Rpt. 108–617.

On July 20, 2004, the Committee on Rules met and granted a Rule providing for the consideration of the Conference Report to accompany H.R. 2443. The Rule was filed in the House as H. Res. 730 (H. Rpt. 108–618).

The House considered and agreed to H. Res. 732 by voice vote on July 21, 2004. The House then proceeded to the consideration of the Conference Report to accompany H.R. 2443 and agreed to the measure by a recorded vote of 425 yeas and 1 nay (Roll No. 404).

The Senate considered the Conference Report to accompany H.R. 2443 on July 22, 2004, and agreed to the report, clearing the measure for the President.

On July 28, 2004, H.R. 2443 was presented to the President. The President signed H.R. 2443 into law on August 9, 2004, as Public Law 108–293.

DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY
ACT

Public Law 108–330, H.R. 4259 (H.R. 2886 / S. 1567)

To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

Summary

H.R. 4259, as introduced, amends the Chief Financial Officers Act of 1990 (P.L. 101–576) and makes conforming changes to the Homeland Security Act of 2002 (Public Law 107–296) to include the Department of Homeland Security on the list of cabinet-level agencies with a Chief Financial Officer (CFO) to be appointed by the President, subject to Senate confirmation. H.R. 2886 sets the initial audit to occur after Fiscal Year 2004, and makes the Department compliant with the Reports Consolidation Act of 2000 (P.L. 106–531). The bill also requires the Department to establish an office of program analysis and evaluation and modifies the Future Years Homeland Security Program (Sec. 874) requirements under the Homeland Security Act of 2002, to include a homeland security strategy and an explanation of how resource allocations relate to that strategy.

Legislative History

H.R. 2886 was introduced in the House by Representatives Platts, Tom Davis of Virginia, Waxman, Blackburn, and Towns. The bill was referred to the Committee on Government Reform, and in addition, to the Select Committee on Homeland Security.

The Select Committee on Homeland Security held a hearing on H.R. 2886 on October 8, 2003. Testimony was received from Dr. Bruce Carnes, Chief Financial Officer, Department of Homeland Security; Mr. Richard Berman, Assistant Inspector General for Audits, Office of Inspector General, Department of Homeland Security; the Honorable Linda Springer, Controller, Office of Federal Financial Management, Office of Management and Budget; and Ms. Michèle Flournoy, Senior Adviser, International Security Program, Center for Strategic and International Studies.

On Thursday, October 30, 2003, the Select Committee on Homeland Security met in open markup session and ordered H.R. 2886 favorably reported to the House, amended. The Committee amended H.R. 2886 after adopting an Amendment in the Nature of a Substitute offered by Mr. Cox. The Amendment in the Nature of a Substitute provided improvements to the introduced bill including: (1) requiring the Secretary to transmit to Congress a comprehensive report on the national homeland security strategy of the United States at the same time that the President submits his annual budget request to the Congress, (2) establishing an Office of Pro-

gram Analysis and Evaluation whose purpose is to link financial management and budgeting with program analysis and evaluation, (3) stipulating that whenever the Department provides notice of re-programming of appropriations to the Congress, the CFO must also notify both the House Select Committee on Homeland Security and the Senate Committee on Governmental Affairs, and (4) requiring the CFO to report to the Secretary of Homeland Security on financial management matters and to report to the Under Secretary for Management with respect to the CFO's other responsibilities.

The Select Committee on Homeland Security filed a report on H.R. 2886 in the House on November 12, 2003 (H. Rpt. 108-358, Pt. I).

The text of H.R. 2886 was included in compromise language of H.R. 4259, as an agreement between the Select Committee on Homeland Security and the Committee on Government Reform.

H.R. 4259 was introduced in the House on May 4, 2004, by Representatives Platt, Davis of Virginia, Waxman, Towns, Blackburn, Cox, and Turner of Texas. The bill was referred to the Committee on Government Reform, and in addition, to the Select Committee on Homeland Security.

On May 6, 2004, the Committee on Government Reform ordered H.R. 4259 reported to the House.

The Chairman of the Select Committee on Homeland Security sent a letter to the Chairman of the Committee on Government Reform on May 19, 2004, indicating that since provisions of H.R. 2886, as agreed to by the Select Committee on Homeland Security, were included in H.R. 4259, as agreed to by the Committee on Government Reform, the Select Committee on Homeland Security would waive its right to consider H.R. 4259, while not waiving its jurisdictional interests in H.R. 4259. The Select Committee on Homeland Security also requested support for the appointment of Conferees should a House-Senate Conference be appointed.

The Chairman of the Committee on Government Reform sent a letter to the Chairman of the Select Committee on Homeland Security on May 20, 2004, indicating support for the jurisdictional interests of the Select Committee on Homeland Security and the appointment of conferees should a House-Senate Conference be appointed.

On June 9, 2004, the Committee on Government Reform reported H.R. 4259 to the House. Report filed in the House as H. Rpt. 108-533, Pt. 1. The referral of H.R. 4259 to the Select Committee on Homeland Security was extended for a period ending not later than June 9, 2004. Subsequently, the Select Committee on Homeland Security was discharged from further consideration of H.R. 4259.

On July 20, 2004, the House considered H.R. 4259 under suspension of the Rules and agreed to the bill by voice vote.

H.R. 4259 was received in the Senate on July 21, 2004. H.R. 4259 was subsequently referred to the Senate Committee on Governmental Affairs on September 7, 2004.

On September 29, 2004, by unanimous consent, the Senate Committee on Governmental Affairs was discharged from further consideration of H.R. 4259, the bill was subsequently passed by the Senate, clearing the measure for the President.

On October 5, 2004, H.R. 4259 was presented to the President. On October 16, 2004, the President signed H.R. 4259 into law (Public Law 108–330).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Public Law 108–375, H.R. 4200 (H.R. 3966 / S. 2400)

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

Summary

H.R. 4200 provides funds for military activities of the Department of Defense (DOD), including pay and benefits of military personnel, operation and maintenance of weapons and facilities, weapons procurement, and research and development, as well as for other purposes. Among the various provisions contained in this bill of interest to the Select Committee on Homeland Security is the addition of the Department of Homeland Security to the list of Federal departments and agencies whose funds will be denied to post-secondary schools that prevent ROTC access or military recruiting (section 552 of H.R. 4200, as signed into law, and similar to provisions contained in H.R. 3966). Moreover, provisions of H.R. 4322 dealing with the Nebraska Avenue Complex housing the Department of Homeland Security are included in section 2841 of H.R. 4200, as reported to the House on May 14, 2004. Provisions of H.R. 4322 also are included in section 2825 of S. 2400, the Senate companion bill.

Legislative History

H.R. 4200 was introduced in the House by Representatives Hunter and Skelton on April 22, 2004, and referred to the Committee on Armed Services.

The Chairman of the Select Committee on Homeland Security sent a letter on May 14, 2004, to the Chairman of the Committee on Armed Services indicating that provisions relating to H.R. 4322 (dealing with the Nebraska Avenue Complex housing the Department of Homeland Security) were included in this bill, but the Select Committee would not seek a sequential referral on this matter.

The Chairman of the Committee on Armed Services sent a letter on May 14, 2004, to the Chairman of the Select Committee on Homeland Security supporting the jurisdictional interests of the Select Committee in certain provisions of H.R. 4200, agreed that the Select Committee is not waiving its jurisdictional interests in H.R. 4200, and agreed to the inclusion of letters within the Committee Report on H.R. 4200.

The Committee on Armed Services reported H.R. 4200 to the House on May 14, 2004, report filed in the House as H. Rpt. 108–491.

As reported to the House, H.R. 4200 also included provisions of H.R. 3966 as passed by the House, and H.R. 4322.

The House considered H.R. 4200 on May 19, and 20, 2004. The House on May 20, 2004, passed H.R. 4200, amended, by a recorded vote of 391 yeas and 34 nays (Roll Call Vote No. 206.)

H.R. 4200 was received in the Senate, read twice, and placed on the Senate Legislative Calendar under General Orders, Calendar No. 537, on May 21, 2004.

On May 6, 2004, the Senate Committee on Armed Services ordered reported an original measure. Measure introduced in the Senate as S. 2400. The Senate Committee on Armed Services reported the measure on May 11, 2004 (S. Rpt. 108–260).

The Chairman of the Select Committee on Homeland Security sent a letter to the Chairman of the Committee on Armed Services on May 11, 2004, indicating that provisions of H.R. 3966 were included in H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, that such provisions fall within the jurisdiction of the Select Committee on Homeland Security, but that the Select Committee would not seek a sequential referral of H.R. 4200 and would waive its right to consider the measure.

On May 17, 18, 19, 20, 21, and June 2, 3, 4, 14, 15, 16, 17, 18, 21, 22, and 23, 2004, the Senate considered S. 2400, the Senate companion measure. On June 23, 2004, the Senate passed S. 2400 by a recorded vote of 97 yeas and 0 nays. The Senate then incorporated the text of S. 2400 into H.R. 4200 and passed H.R. 4200, as so amended by unanimous consent.

On June 24, 2004, the Senate insisted upon its amendment to H.R. 4200, requested a Conference with the House, and appointed conferees, Senators: Warner; McCain; Inhofe; Roberts; Allard; Sessions; Collins; Ensign; Talent; Chambliss; Graham of South Carolina; Dole; Cornyn; Levin; Kennedy; Byrd; Lieberman; Reed; Akaka; Nelson of Florida; Nelson of Nebraska; Dayton; Bayh; Clinton; Pryor.

The Committee on Conference filed a Conference Report to accompany H.R. 4200, on October 8, 2004. The report was filed in the House as H. Rpt. 108–767. On that same day, the House began consideration of the Conference Report to accompany H.R. 4200 under the provisions of H. Res. 843.

The House, on October 9, 2004, agreed to the Conference Report by a recorded vote of 359 yeas and 14 nays (Roll No. 528). On that same day, the Senate agreed to Conference report by Unanimous Consent. During the House-Senate Conference on H.R. 4200, the provisions relating to the transfer of the Nebraska Avenue facility were removed.

The House, on October 8, 2004, agreed to H. Con. Res. 514, which made enrollment corrections to H.R. 4200. The Senate agreed to H. Con. Res. 514 by unanimous consent on October 9, 2004. Clearing H.R. 4200 for the President.

On October 21, 2004, H.R. 4200 was presented to the President. On October 28, 2004, the President signed H.R. 4200 into law (Public Law 108–375).

INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Public Law 108–458, S. 2845 (H.R. 10 / H.R. 3266)

To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Summary

To implement the recommendations contained in the final report of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), House Speaker Dennis Hastert introduced H.R. 10, the “9/11 Recommendations Implementation Act.” As introduced, H.R. 10 and its Senate companion bill, S. 2845, contained many provisions within the jurisdictional interests of the Select Committee on Homeland Security. The Select Committee was actively involved in drafting H.R. 10 and in conference negotiations with the Senate leading to the final conference report, particularly with respect to the following provisions:

Title I creates a Director of National Intelligence and a National Counterterrorism Center (NCTC), with specific responsibilities relating to intelligence fusion, information sharing, and multi-agency operational planning.

Title IV, Section 4001, requires the Department of Homeland Security to develop a National Strategy for Transportation Security that identifies and evaluates the transportation assets of the United States, and identifies risk-based priorities for addressing the vulnerabilities of the assets within each modal sector and across all such sectors. The section further requires recommendations of practical, cost-effective means for protecting the assets from terrorist attacks. The National Strategy will delineate clear roles and responsibilities to better coordinate efforts across the Federal, State and local government levels and with the private sector. Other sections within this title address specific security enhancements with respect to aviation security, air cargo security, and maritime security.

Title V contains provisions addressing border security and surveillance, including increases in border patrol agents, immigration investigators, and detention bed spaces for illegal aliens apprehended within the United States. Title V also includes reforms to visa requirements and immigration policies.

Title VII, Section 7201, requires the NCTC to develop a national strategy to combat terrorist travel, and requires that the Department of Homeland Security enhance the technology and training for border, consular, and immigration officials to better detect fraudulent documents, terrorist indicators on such documents, and terrorist travel patterns, practices, and trends. Section 7202 authorizes the Human Smuggling and Trafficking Center, and Section 7215 directs the Secretary of Homeland Security to develop a comprehensive program for analyzing and disseminating terrorist travel operational and intelligence information. Sections 7206 and 7210 amend provisions relating to the Immigration Security Initiative and other pre-inspection programs at foreign airports. Section 7208 expands on existing law relating to a biometric entry and exit data system, and Section 7209 requires enhancement of travel documentation for entering the U.S. Sections 7211 through 7214, and Section 7220, require the issuance of minimum Federal standards and other requirements for drivers’ licenses, birth certificates, and social security cards and numbers, for boarding domestic airplane flights, and for other forms of personal identification documents.

Section 7301 states that it is the Sense of Congress that Federal, State, and local agencies should adopt a version of the incident

command system known as the National Incident Management System (NIMS) and that the regular use of, and training in, NIMS by States and local governments should be a condition for receiving Federal preparedness assistance.

Section 7302 authorizes the State of Maryland, the Commonwealth of Virginia, the District of Columbia and any localities within the geographical boundaries of the National Capital Region to enter into mutual aid agreements for the provision of emergency services in the event of a terrorist attack, major disaster, or other emergency. This section also clarifies the parties' respective workers compensation and liability obligations in the event of any act or omission by first responders responding to a request for assistance by a party to such an agreement.

Section 7303 enhances interoperable communications capabilities in a number of respects. First, it directs the Secretary of Homeland Security to establish a comprehensive program to enhance public safety interoperable communications at all levels of government. Second, it authorizes the creation of an Office for Interoperability and Compatibility within the Science and Technology Directorate of the Department of Homeland Security to carry out this new program. Third, it instructs the Secretary to establish a mechanism for coordinating cross-border interoperability issues with Mexico and Canada. Fourth, it directs the Secretary to provide technical guidance, training, and other assistance to support the rapid establishment of effective, secure, and consistent interoperable communication capabilities in urban and other high risk areas. Fifth, it permits the Secretary to commit to obligate multi-year funding for interoperability projects through letters of intent, and requires participating States and local governments to submit Interoperability Communication Plans that focus on long-term planning. Finally, it clarifies the precise responsibilities of various Directorates within the Department for interoperable communication programs.

Section 7304 directs the Secretary to implement pilot projects in high-threat urban areas to improve interagency communication among first responders. Such projects will be designed to develop regional strategic plans for communications and information sharing between Federal, State, and local first responders.

Section 7305 states that it is the Sense of Congress that the Secretary of Homeland Security should promote, where appropriate, the adoption of national voluntary consensus standards for private sector preparedness.

Section 7306 requires the Information Analysis and Infrastructure Protection Directorate of the Department of Homeland Security to report to Congress on the Department's progress in completing vulnerability and risk assessments of the Nation's critical infrastructure, the adequacy of the Federal government's plans to protect such infrastructure, and the Federal government's readiness to respond to threats.

Section 7401 states that it is the Sense of Congress that Congress must pass legislation in the first session of the 109th Congress to reform the system for distributing homeland security grants to State and local governments.

Section 7402 directs the Secretary to improve coordination with the private sector with respect to national efforts to ensure ade-

quate levels of preparedness and response to acts of terrorism, and to improve coordination on matters relating to the travel and tourism industries in particular.

Section 7403 requires the Secretary of Homeland Security and the Chairman of the Federal Communications Commission to conduct a study to determine the feasibility and cost-effectiveness of establishing an emergency telephonic alert notification system.

Section 7404 permits the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Transportation, to conduct a pilot study to issue public warnings concerning homeland security threats through the use of technologies and protocols similar to the AMBER Alert communications network.

Section 7405 requires the Secretary of Homeland Security to ensure effective and ongoing coordination of Federal efforts to respond to acts of terrorism and other emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

Section 7406 requires the Director of the Federal Emergency Management Agency to promote regional and interagency cooperation and preparedness by cataloguing and disseminating an inventory of Federal response capabilities and best practices for emergency preparedness compacts at the State and local government levels.

Sections 7407 and 7408 address matters relating to counter-narcotics enforcement within the Department of Homeland Security.

Section 7501 states that it is the Sense of Congress that Congress pass legislation in the first session of the 109th Congress to require the return of certain frequency spectrum for public safety use as early as December 31, 2006.

Section 7502 requires studies by the Chairman of the Federal Communications Commission and the Secretary of Homeland Security on ways to enhance public safety interoperability.

Title VIII contains provisions relating to enhanced use of the National Infrastructure Simulation and Analysis Center of the Department of Homeland Security, improved coordination of Department geospatial information management, and civil rights and privacy issues.

In addition to the above provisions in the final conference report, the House-passed H.R. 10 contains the following provisions contributed in whole or in part by the Select Committee, which were removed from the final conference report:

Title V, Sections 5001–5003, contains a consensus version of H.R. 3266, the Faster and Smarter Funding for First Responders Act. Although a more detailed discussion of the text in subtitle A may be found in the summary of H.R. 3266, subtitle A amends the Homeland Security Act of 2002 (Public Law No. 107–296) by adding at the end a new Title XVIII—Funding for First Responders. This new title authorizes a risk-based first responder grant program to replace the program authorized in the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) (P.L. 107–56). Among other reforms, these provisions (1) direct the

Secretary of Homeland Security to establish essential capabilities for different types of communities based on certain risk factors; (2) direct the Secretary to appoint a 25-member task force of first responders and State and local government representatives to assist in the establishment of these essential capabilities; (3) require States to submit a three-year State Homeland Security Plan that is prioritized according to risk, and require all applications to be consistent with such plans; (4) create a First Responder Grant Board to evaluate and prioritize all applications for homeland security assistance based on threat, vulnerability, and consequences; (5) enumerate a list of permitted and prohibited uses of grant funds, establish specific time lines for the expenditure of grant funds, and create a series of reporting requirements; and (6) direct the Secretary to develop, promulgate, and update, as necessary, national voluntary consensus standards for first responder equipment and training.

Section 5007 (also originally part of H.R. 3266) provides that it is the Sense of Congress that Citizen Corps councils should seek to enhance preparedness and response capabilities of all participating organizations.

Section 5010 (also originally part of H.R. 3266) requires a study and a report on the efficacy of expanding the jurisdiction of the National Capital Region.

Section 5028, elevates the national cybersecurity mission within the Directorate for Information Analysis and Infrastructure Protection (IAIP) of the Department of Homeland Security. Specifically, this section establishes an Assistant Secretary for Cybersecurity (Assistant Secretary), who will have primary authority for all IAIP cybersecurity-related critical infrastructure programs, including policy formulation and program management.

Sections 5101 through 5103 authorizes representatives of Federal, State, or local governments to enter into interstate mutual aid agreements, resolve liability, indemnification, and workers' compensation impediments to entering into such agreements, and enter into litigation management agreements.

Section 5104 precludes the elimination of any immunities that a responding party may have with respect to mutual aid, and also ensures that the U.S. Secret Service be maintained as a distinct entity within the Department of Homeland Security.

Legislative History

S. 2845 was introduced in the Senate on September 23, 2004, by Senators Collins and Lieberman. A unanimous consent agreement was reached in the Senate providing for the consideration of S. 2845 on September 27, 2004.

The Senate considered S. 2845 on September 27, 28, 29, 30, October 1, 4, and 5, 2004. The Senate, on October 5, 2004, invoked cloture by a recorded vote of 85 yeas and 10 nays (Vote No. 197). On October 6, 2004, the Senate passed S. 2845, amended, by a recorded vote of 96 yeas and 2 nays (Vote No. 199).

S. 2845 was received in the House and held at the Desk.

H.R. 10, the House companion bill, was introduced by Speaker Hastert and 17 original cosponsors (including Mr. Cox) on September 24, 2004. H.R. 10 was referred to the Permanent Select

Committee on Intelligence, and in addition to the Committee on Armed Services, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform, the Committee on International Relations, the Committee on the Judiciary, the Committee on Rules, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Select Committee on Homeland Security.

On September 29, 2004, the Permanent Select Committee on Intelligence ordered reported to the House, amended, by a recorded vote of 17 yeas and 2 nays. The Committee on Armed Services ordered reported to the House, amended. The Committee on Financial Services ordered reported to the House, amended, by voice vote. The Committee on Government Reform ordered reported to the House, amended. The Committee on the Judiciary ordered reported to the House, amended, by a recorded vote of 19 yeas and 12 nays.

The Chairman of the Select Committee on Homeland Security sent a letter to the Chairman of the Permanent Select Committee on Intelligence on October 1, 2004, indicating that, in order to expedite consideration of H.R. 10 on the House Floor, the Select Committee on Homeland Security would waive its right to consider H.R. 10, provided such action does not prejudice the Select Committee on Homeland Security's jurisdictional interests in the provisions of H.R. 10.

On October 4, 2004, various Committees reported H.R. 10 to the House as follows: the Permanent Select Committee on Intelligence, H. Rpt. 108-724, Pt. 1; the Committee on Armed Services H. Rpt. 108-724, Pt. 2; and the Committee on Financial Services H. Rpt. 108-724, Pt. 3. On that same date, the Referral of the bill to the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Government Reform, the Committee on International Relations, the Committee on the Judiciary, the Committee on Rules, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Select Committee on Homeland Security extended for a period ending not later than October 5, 2004.

On October 5, 2004, the Committee on Government Reform and the Committee on the Judiciary reported H.R. 10 to the House, amended as H. Rpt. 108-724, Pt. 4 and 5 respectively. Subsequently, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on International Relations, the Committee on Rules, the Committee on Science, the Committee on Transportation, the Committee on Ways and Means, and the Select Committee on Homeland Security were discharged from further consideration of H.R. 10.

The Committee on Rules met on October 5, 2004, to consider a Rule providing for the consideration of H.R. 10, but action was deferred. On October 7, 2004, the Committee on Rules filed a Rule providing for the consideration of H.R. 10. The Rule also provided that Section 2 of the Rule provides that upon passage of H.R. 10, and the Senate transmittal of S. 2845, the House shall be considered to have taken from the Speaker's table S. 2845, stricken all after the enacting clause of such bill and inserted in lieu thereof

the provisions of H.R. 10, as passed by the House. Section 2 further provides that the House shall be considered to have passed the Senate bill as so amended, and insisted on its amendment and requested a Conference with the Senate thereon. The Rule also provides for the appointment by the Speaker of conferees on S. 2845 and the House amendment thereto at any time.

The House began consideration of H.R. 10 under the provisions of H. Res. 827 on October 7, 2004. On October 7, 2004, the House continued consideration and passed H.R. 10, amended, by a recorded vote of 282 yeas and 134 nays (Roll No. 523).

A motion to instruct House conferees was not agreed to by a recorded vote of 169 yeas and 229 nays (Roll No. 525) on October 8, 2004. On that same day, a unanimous consent agreement was reached in the Senate to amend S. 2845 after passage, was agreed to.

A unanimous consent request was reached in the Senate on October 10, 2004, that when the Senate receives from the House a message regarding S. 2845, the Senate disagree to the amendment by the House, agree to request a Conference with the House thereon, if requested, and that conferees be appointed on the part of the Senate.

On October 12, 2004, the Speaker appointed conferees on the part of the House to the Committee of Conference on S. 2845: Representatives Drier, Hoekstra, Hyde, Hunter, Sensenbrenner, Harman, Skelton, and Menendez. On October 16, 2004, the Senate disagreed to House amendment, agreed to the request for Conference thereon, and appointed conferees: Senators: Collins; Lott; DeWine; Roberts; Voinovich; Sununu; Coleman; Lieberman; Levin; Durbin; Rockefeller; Graham of Florida; Lautenberg.

Conferees agreed to file a Conference Report to accompany S. 2845 on December 7, 2004, the Conference Report was filed in the House as H. Rpt. 108-796.

The House considered the Conference Report to accompany S. 2845 on December 7, 2004 and agreed to the Conference Report by a recorded vote of 336 yeas to 75 noes, (Roll No. 544). Congressional Record H10930-10994, H11028-29.

The Senate began consideration of the Conference Report to accompany S. 2845 on December 8, 2004 and agreed to Conference Report by a record vote of 89 yeas and 2 nays (Record Vote No. 216). Clearing S. 2845 for the President.

On December 15, 2004, S. 2845 was presented to the President. On December 17, 2004, the President signed S. 2845 into law (Public Law 108-458).

HOMELAND SECURITY TECHNICAL CORRECTIONS ACT OF 2003

(H.R. 1416)

To make technical corrections to the Homeland Security Act of 2002.

Summary

H.R. 1416, makes technical corrections to the Homeland Security Act of 2002 (P.L. 107-296) concerning: (1) critical infrastructure information; (2) visa issuance; (3) military activities of the Coast

Guard; (4) the annual independent evaluation of information security programs and practices of Federal agencies; (5) immigration-related powers and duties, and powers and duties in general, of the Secretary of Homeland Security, the Under Secretary of Homeland Security for Border and Transportation Security, and the Attorney General; (6) a report on war risk insurance for air carriers; and (7) authority to arm flight deck crews with less-than-lethal weapons. The bill also requires that, in any case in which a report or notification is required by such Act or an amendment thereto to be submitted to Congress or a congressional committee, such report or notification also shall be submitted to the House Select Committee on Homeland Security.

Legislative History

H.R. 1416 was introduced on March 25, 2003, by Representative Cox. The Committee held a hearing on H.R. 1416 on March 28, 2003. Testimony was received from Mr. Michael Dorsey, Director of Administration, Department of Homeland Security.

On March 31, 2003, H.R. 1416 was ordered reported to the House, amended, by voice vote. The Committee reported H.R. 1416 to the House on May 15, 2003, report filed as H. Rpt. 108–104.

On April 1, 2003, the Chairman of the Committee on Government Reform sent a letter to the Speaker of the House requesting a sequential referral of H.R. 1416 relating to section 5 referencing the mission of the Coast Guard. On April 1, 2003, the Chairman of the Committee on Transportation and Infrastructure sent a letter to the Speaker requesting a sequential referral of H.R. 1416 relating to references to the mission of the Coast Guard. On April 3, 2003, the Chairman of the Committee on the Judiciary sent a letter to the Speaker requesting a sequential referral of H.R. 1416 relating to the reporting requirements in section 11 of the bill.

On May 15, 2003, the Chairman of the Committee on the Judiciary sent a letter to the Committee stating that, in order to expedite consideration of H.R. 1416, it would not seek a sequential referral on section 11 of H.R. 1416, provided such action would not prejudice the Committee on the Judiciary's future jurisdictional interests in the legislation. On that same day, the Chairman of the Select Committee on Homeland Security sent a letter to the Chairman of the Committee on the Judiciary acknowledging the jurisdictional concerns and prerogatives of the Committee on the Judiciary with respect to H.R. 1416.

On June 24, 2003, the House considered H.R. 1416 under suspension of the Rules. The House agreed to a manager's amendment, and passed the bill by a recorded vote of 415 Yeas and 0 Nays (Roll Call Vote No. 311).

H.R. 1416 was received in the Senate and referred to the Senate Committee on Governmental Affairs on June 26, 2003.

The Senate Committee on Governmental Affairs ordered H.R. 1416 favorably reported to the Senate on October 22, 2004. On November 25, 2004, the Senate Committee on Governmental Affairs reported H.R. 1416 to the Senate, report filed as S. Rpt. 108–214.

No further action occurred on H.R. 1416 in the 108th Congress.

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF
2003

(H.R. 3266)

To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes.

Summary

As passed by the House as part of H.R. 10, the “Faster and Smarter Funding for First Responders Act of 2004”—originally introduced as H.R. 3266—amends the Homeland Security Act of 2002 (Public Law No. 107–296) by adding at the end a new Title XVIII—Funding for First Responders. This new title authorizes a risk-based first responder grant program that would replace the program authorized in the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) (Public Law No. 107–56).

New subsection 1802(a) of the Homeland Security Act of 2002 (P.L. 107–296), as added by this Act, provides that the provisions of new Title XVIII apply only to those grants that the Department of Homeland Security provides to States, regions, or directly eligible Indian tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction. Specifically, such terrorism preparedness grants include those administered under the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative. Subsection (b) expressly excludes from coverage of this title all non-Department of Homeland Security grants, as well as the Department’s firefighter assistance grants and emergency management planning and assistance grants.

Section 1803 requires the Secretary of the Department to establish specific, flexible, measurable, and comprehensive “essential capabilities” for State and local government terrorism preparedness, within the context of a comprehensive state emergency management system. The Secretary is to establish such capabilities in consultation with, among others, the Task Force on Essential Capabilities for First Responders (as established in Section 1804) and various officials within the Department and other Federal agencies. The bill directs the Secretary to consider the variables of threat, vulnerability, and consequences with respect to the Nation’s population (including transient commuting and tourist populations) and critical infrastructure, based on the most current risk assessment available by the Department’s Information Analysis and Infrastructure Protection Directorate.

Section 1804 requires that the Secretary of Homeland Security establish a 25 member advisory body pursuant to section 871(a) of the Homeland Security Act of 2002 (P.L. 107–296) for the purpose of assisting the Secretary in the development of essential capabilities under Section 1803. The Task Force must submit for the Secretary’s consideration a report within nine months of its establishment, and every three years thereafter, on recommended essential capabilities for different types of communities, based on the threats

and vulnerabilities faced by such types of communities. Among other things, the Task Force's report must include a priority ranking of essential capabilities and a methodology by which a State or local government can determine whether it possesses or has access to these essential capabilities.

Section 1805 provides that States, regions, and directly eligible tribes may apply for covered grants. For purposes of the grant application process, only certain geographic areas will qualify as regions and only a limited number of Indian tribes will qualify as directly eligible. This section requires that, to be eligible to receive a covered grant, a State must first submit for the Secretary's approval a comprehensive three-year state homeland security plan tied to the achievement, maintenance, and enhancement of the established essential capabilities. Specifically, the plan must be developed in consultation with, and subject to appropriate comment by, local governments and tribes within the State, and must "demonstrate the extent to which the State has achieved its essential capabilities; demonstrate the needs of the State necessary to achieve, maintain, or enhance its essential capabilities; prioritize the State's needs based on threat, vulnerability, and consequences; and describe how the State intends to address its needs at the city, county, regional, tribal, State, and interstate levels, with particular emphasis on regional planning and coordination."

The Secretary may not approve any State, regional, or tribal application that is inconsistent with any such state plan. Accordingly, to be eligible for a covered grant, a region must submit its application to each State of which any part is included in the region for review and concurrence. Within 30 days of its receipt, the State must either submit the region's application to the Secretary or notify the Secretary that the application is inconsistent with the State's homeland security plan and provide an explanation of the reasons thereof. If the Secretary approves a regional application, then the Secretary must distribute the regional award to the State that submitted the region's application. Within 45 days after receiving the regional award, the State must pass through to the region all covered grant funds or resources purchased with such funds, except those necessary for the State to fulfill its responsibilities with respect to the regional application. Under no circumstances may the State pass through less than 80 percent of the regional award.

To be eligible for a covered grant, a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located. The State must simultaneously submit to the Department of Homeland Security the application of the directly eligible tribe with its application. Although the State has no formal concurrence responsibility as with regions, it has the opportunity to submit comments to the Secretary on the consistency of a directly eligible tribe's application with the State's homeland security plan. The Secretary has final authority to determine such consistency and to approve the tribe's application.

All applications must adhere to the following general requirements. An applicant must include in its application at a minimum: (1) the purpose for which such funds are being sought and the reasons why such funds are needed to meet essential capabilities; (2)

a description of how, by reference to the applicable state homeland security plan, the allocation of such funds would assist it in fulfilling the essential capabilities specified in such plan; (3) a statement whether a mutual aid agreement is applicable; (4) a capital budget; and (5) a statement on how the applicant intends to meet the matching requirement. Moreover, in its application, a State must include a description of how it intends to allocate covered grant funds to regions, local governments, and Indian tribes.

This section also establishes the First Responder Grant Board (Grant Board), to be headed by the Secretary (or Deputy Secretary) and will include Department Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office for Domestic Preparedness. Specifically, the Grant Board shall be responsible for evaluating and prioritizing all covered grant applications, based upon the degree to which they would, by achieving, maintaining, and enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure from a terrorist attack.

After evaluating and prioritizing all covered grant applications on the basis of risk, the Grant Board shall then ensure that each State, territory, and up to 20 directly eligible tribes receive no less than a defined minimum amount of funding. Specifically, this section requires the Department to allocate such grants based on risk and then provide additional funds for those applicants that have not met a minimum threshold of funding. The minimum threshold for each State, other than the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, is 0.25 percent of the total funds available for covered grants for that fiscal year. Because of the unique terrorism preparedness needs of States with international borders, this section provides a minimum threshold of 0.45 percent of the total funds available for covered grants in that fiscal year for each State that has a significant international land border or adjoins a body of water within North America through which an international boundary line extends. The minimum threshold for each of the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands is 0.08 percent of the total funds available for covered grants that Fiscal Year. The minimum threshold for directly eligible tribes, collectively, is 0.08 percent of the total funds available for covered grants that fiscal year. This minimum threshold, however, will not apply in a fiscal year if the Secretary receives less than five applications for such fiscal year from such tribes or does not approve at least one such application.

Section 1806 provides a list of permitted and prohibited uses of grant funds, establishes specific time lines for the expenditure of covered grant funds, and creates a series of reporting requirements for both the Department and State, regional, and tribal grant recipients. Specifically, a covered grant may be used for appropriate activities as determined by the Secretary of Homeland Security, including the following: purchasing and upgrading of equipment (including computer software); exercises and training; developing or updating response plans; establishing or enhancing mechanisms for

information sharing; systems architecture and engineering, program planning and management, and product evaluation; additional personnel costs directly attributable to elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or an equivalent elevation in the threat alert level issued by a State, region, or local government with the Secretary's approval; additional personnel costs resulting from participation in information, investigative, and intelligence sharing activities specifically related to terrorism prevention; classified information receipt and storage costs; critical infrastructure protective measures, up to \$1 million per project or, if approved by the Secretary, up to ten percent of the total amount of the covered grant; costs associated with the purchase of commercially available equipment that complies with national voluntary consensus standards and that facilitates interoperability of emergency communications; developing educational curricula for first responders to ensure their preparedness for terrorist attacks; and training and exercises to assist public elementary and secondary schools in developing terrorism preparedness programs.

Covered grants also may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training in the use of equipment and on prevention activities, and provides that such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938.

A covered grant, however, may not be used: to supplant State or local funds; to construct buildings or other physical facilities; to acquire land; or to alleviate any State or local government cost sharing contribution. Notwithstanding the foregoing, this section expressly permits State and local governments to use covered grant funds in a manner that enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, so long as such use assists such governments in achieving essential capabilities for terrorism preparedness.

This section also requires that State recipients of covered grants pass through 80 percent of their funds to local governments, first responders, and other local groups not later than 45 days after their receipt of such funds. State recipients that fail to pass through these funds may face reduced payments, termination of payments, or other restrictions. Further, upon a specific and detailed showing, the Secretary has authority to redirect a portion of a delinquent State's grant amount to a local government directly, consistent with the State plan and application. This section requires that, two years following the enactment of this legislation, all grant recipients must contribute, or match, at least 25 percent of the cost of the activities carried out with covered grants. This matching requirement may be satisfied with in-kind contributions of goods or services.

Further, this section requires each recipient to submit to the Secretary annual reports describing the use of covered grant funds, the achievement of essential capabilities, and remaining needs. A recipient also may submit a quarterly report, which identifies the amount obligated to, and expended by, such recipient and a sum-

mary description of the items purchased, in exchange for a two percent increase in the Federal match. Finally, this section also requires an annual report from the Secretary to the Congress containing an analysis of the Nation's progress in achieving, maintaining, and enhancing essential capabilities.

Section 1807 requires the Secretary of Homeland Security, in consultation with the Under Secretary for Science and Technology and the Under Secretary for Emergency Preparedness and Response, the Director of the Office for Domestic Preparedness, and relevant public and private sector groups, to develop, promulgate, and update as necessary national voluntary consensus standards for first responder equipment and training. In establishing any national voluntary consensus standards that involve or relate to health professionals, including emergency medical professionals, the Secretary also must coordinate with the Secretary of Health and Human Services.

In addition to amending the Homeland Security Act of 2002 (P.L. 107–296), H.R. 3266, as incorporated into H.R. 10, includes other reforms pertaining to emergency preparedness and response. It directs the Secretary to revise the Homeland Security Advisory System to require that the designation of a threat level or any other warning be issued to specific geographical regions and economic sectors. It also adds to the duties of the Special Assistant to the Secretary for private sector liaison the responsibility to coordinate industry efforts to identify private sector resources that could effectively supplement Federal, State, and local government efforts to prevent or respond to terrorist attacks. Moreover, the bill supercedes section 1014 of the USA PATRIOT Act (dealing with the allocation of terrorism grant funds). And it directs the Secretary to ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major emergencies among the Department's divisions, including the Emergency Preparedness and Response Directorate and the Office for State and Local Government Coordination and Preparedness.

H.R. 3266, as passed as part of H.R. 10, also contains two Sense of Congress provisions. The first provision states that it is the Sense of the Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by first responders, and that upgraded and new digital communications systems and new digital radios must meet prevailing national voluntary consensus standards for interoperability. The second provision states that it is the Sense of the Congress that individual Citizen Corps Councils should seek to enhance and promote local terrorism preparedness by providing funding to as many of their participating local organizations as practicable.

H.R. 3266 also directs the Secretary, in consultation with other appropriate Federal agencies, to conduct a study to determine whether it would be cost effective, efficient, or feasible to establish and implement an emergency telephonic alert notification system.

Legislative History

H.R. 3266 was introduced in the House by Representative Cox on October 8, 2003, and referred to the Select Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, the Committee on the Judiciary, and the Committee on Energy and Commerce. Within the Select Committee on Homeland Security, H.R. 3266 was referred to the Subcommittee on Emergency Preparedness and Response.

On Thursday, October 16, 2003, the Subcommittee on Emergency Preparedness and Response held a legislative hearing on H.R. 3266. Testimony was received from the Honorable James A. Garner, Mayor of Hempstead, New York, President, The United States Conference of Mayors; Col. Randy Larsen (Ret.), Founder and CEO, Homeland Security Associates, Former Director, Institute of Homeland Security, Former Chairman of the Military Department at the National War College; and Mr. Robert Latham, Director, Mississippi Emergency Management Agency.

On Thursday, November 20, 2003, the Subcommittee on Emergency Preparedness and Response met and forwarded H.R. 3266 to the Full Committee for consideration, amended, by voice vote.

The Full Committee met in open markup session on March 18, 2004, and ordered H.R. 3266 favorably reported to the House, amended, by a recorded vote of 37 yeas and 0 nays (Record Vote No. 10).

On April 2, 2004, the Select Committee on Homeland Security reported H.R. 3266 to the House (H. Rpt. 108-460, Part I). H.R. 3266 was sequentially referred to the Committee on Science for a period ending not later than April 2, 2004, and was subsequently discharged from further consideration of H.R. 3266.

The referral of H.R. 3266 to the Committee on Transportation and Infrastructure, the Committee on the Judiciary, and the Committee on Energy and Commerce was extended on April 2, 2004, for a period ending not later than June 7, 2004. The referral of H.R. 3266 to the Committee on Transportation and Infrastructure, the Committee on the Judiciary, and the Committee on Energy and Commerce was extended on June 7, 2004, for a period ending not later than June 14, 2004. The referral of H.R. 3266 to the Committee on Transportation and Infrastructure, the Committee on the Judiciary, and the Committee on Energy and Commerce was extended on June 14, 2004, for a period ending not later than June 21, 2004.

The Committee on Energy and Commerce reported H.R. 3266 to the House on June 14, 2004, (H. Rpt. 108-460, Part II). The Committee on Transportation and Infrastructure reported H.R. 3266 to the House on June 21, 2004, (H. Rpt. 108-460, Part III). The Committee on the Judiciary reported H.R. 3266 to the House on June 21, 2004, (H. Rpt. 108-460, Part IV).

Provisions of H.R. 3266 were included in the text of H.R. 10 as introduced and passed by the House, but some of them were removed during the House-Senate Conference on S. 2845, the Intelligence Reform and Terrorism Prevention Act of 2004, the Senate companion measure to H.R. 10. For further action, see the summary of action on S. 2845 and H.R. 10.

ROTC AND MILITARY RECRUITER EQUAL ACCESS TO CAMPUS ACT OF
2004

(H.R. 3966)

To amend title 10, United States Code, to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officers' Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.

Summary

H.R. 3966 adds the Department of Homeland Security, the National Nuclear Security Administration, and the Central Intelligence Agency to the list of Federal departments and agencies whose funds will be denied to postsecondary schools that prevent Reserve Officers' Training Corps access or military recruiting.

Legislative History

H.R. 3966 was introduced in the House by Representative Rogers of Alabama, Representative Cox, and 18 original cosponsors on March 12, 2004. H.R. 3966 was referred to the Committee on Armed Services and the Committee on Education and Workforce.

On March 17, 2004, the Committee on Armed Services held a markup and ordered H.R. 3966 reported to the House, amended, by Voice Vote.

The Chairman of the Select Committee on Homeland Security sent a letter to the Chairman of the Committee on Armed Services on March 19, 2004, indicating that, while provisions of H.R. 3966 fall within jurisdiction of the Select Committee on Homeland Security, the Select Committee would not seek a sequential referral of the bill and waive its right to consider H.R. 3966. On that same date, the Chairman of the Committee on Armed Services sent a letter to the Chairman of the Select Committee on Homeland Security acknowledging the jurisdictional interests of the Select Committee on Homeland Security and supporting the appointment of Conferees from the Select Committee should a House-Senate Conference be appointed on H.R. 3966.

The Committee on Armed Services reported H.R. 3966 to the House, report filed as H. Rpt. 108-443, Pt. I. The referral of the bill to the Committee on Education and the Workforce was extended for a period ending not later than March 23, 2004.

On March 23, 2004, the Committee on Education and the Workforce was discharged from further consideration of H.R. 3966.

Committee on Rules met on March 29, 2004, and granted a Rule providing for the consideration of H.R. 3966. On that same day, the Rule was filed in the House as H. Res. 580 (H. Rpt. 108-451).

The House agreed to H. Res. 580 by voice vote on March 30, 2004, and proceeded to the consideration of H.R. 3966. The House passed H.R. 3966, as amended, by a recorded vote of 343 yeas and 81 nays (Record Vote No. 101.)

H.R. 3966 was received in the Senate on March 31, 2004, read twice, and referred to the Senate Committee on Armed Services. No further action on H.R. 3966 occurred in the 108th Congress.

The Chairman of the Select Committee on Homeland Security sent a jurisdictional letter to the Chairman of the House Committee on Armed Services on May 11, 2004, noting that provisions of H.R. 3966 were included in H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005 (Section 552 of H.R. 4200 as signed into law, Public Law 108–375). See additional action taken on H.R. 4200.

RESOLUTION OF INQUIRY INTO DEPARTMENT OF HOMELAND SECURITY

(H. Res. 286)

Directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

Summary

H. Res. 286 is a resolution of inquiry seeking information from the Department of Homeland Security relating to information concerning an incident involving the alleged misuse of resources of the Air and Marine Interdiction Coordination Center within the Department of Homeland Security.

Legislative History

H. Res. 286 was introduced in the House by Representative Gene Green of Texas and 14 original cosponsors on June 19, 2003. H. Res. 286 was referred solely to the Select Committee on Homeland Security.

On July 16, 2003, the Select Committee on Homeland Security met in open markup session and ordered H. Res. 286 adversely reported to the House, amended, by a recorded vote of 24 yeas and 20 nays.

The Select Committee on Homeland Security reported H. Res. 286 to the House, adversely, on July 22, 2003. Report filed in the House as H. Rpt. 108–223. No further action occurred during the 108th Congress.

AVIATION SECURITY TECHNICAL CORRECTIONS

(H.R. 2144)

To amend title 49, United States Code, to make technical corrections and improvements relating to aviation security, and for other purposes.

Summary

As introduced, section 1503 of H.R. 2144 reorganizes the Transportation Security Administration (TSA) under the Directorate of Border and Transportation Security of the Department of Homeland Security (B&TS). Section 1504 requires the Undersecretary for B&TS to assess current and potential threats to the domestic air transportation system, and establishes a program for the screening of cargo.

Section 1536 of H.R. 2144 provides technical amendments to align TSA within the Department and contains various provisions modifying and expanding certain aviation security programs.

Legislative History

H.R. 2144 was introduced in the House on May 19, 2003, by Representatives Don Young of Alaska, Mica, Oberstar, and DeFazio. H.R. 2144 was referred solely to the Committee on Transportation and Infrastructure.

On June 25, 2003, the Committee on Transportation and Infrastructure ordered H.R. 2144 favorably reported to the House, amended.

The Chairman of the Select Committee on Homeland Security sent a letter on June 26, 2003, to the Chairman of the Committee on Transportation and Infrastructure, stating the intention of the Select Committee on Homeland Security to seek a sequential referral of the bill on those sections within the jurisdiction of the Select Committee.

The Chairman of the Select Committee on Homeland Security sent a letter on June 26, 2003, to the Speaker of the House, requesting a sequential referral of H.R. 2144 and indicating that sections 1503, 1504, and 1536 fall within the jurisdiction of the Select Committee on Homeland Security. No further action on H.R. 2144 occurred in the 108th Congress.

PROVIDE FOR THE ARMING OF CARGO PILOTS AGAINST TERRORISM

(S. 1657 / H.R. 3262)

A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism.

Summary

The Homeland Security Act of 2002 (P.L. 107–296, H.R. 5005) contains provisions to arm pilots of passenger aircraft, and gives deputized pilots the authority to use force, including lethal force, to defend the flight deck against criminal and terrorist threats. Participation in the Federal Flight Deck Officer Program, established under the Arming Pilots Against Terrorism Act contained in P.L. 107–296, is limited to pilots of air carriers providing passenger air transportation or intrastate passenger air transportation. S. 1657 and H.R. 3262 both seek to include all-cargo air carrier pilots in the program.

Legislative History

S. 1657 was introduced in the Senate by Senators Bunning of Kentucky and Boxer of California on September 25, 2003. The bill was read for the first time in the Senate on September 25, 2003, and read a second time on September 26, 2003.

H.R. 3262, a House companion bill, was introduced by Representative Baker of Louisiana on October 8, 2003. The bill was referred to the Committee on Transportation and Infrastructure. The Senate considered S. 1657 on November 10, 2003, and passed the bill by unanimous consent.

S. 1657 was received in the House on November 12, 2003, and referred to the Committee on Transportation and Infrastructure.

On November 20, 2003, the Chairman of the Select Committee on Homeland Security sent a letter the Speaker of the House, indicating that S. 1657 included provisions within the jurisdiction of the Select Committee on Homeland Security. The Chairman further stated that, in order to expedite consideration of the measure by the House, the Select Committee on Homeland Security would not seek a sequential referral, provided such action would not prejudice the Select Committee on Homeland Security's future jurisdictional interests in the legislation. No further action occurred on S. 1657 or H.R. 3262 in the 108th Congress.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION FOR FISCAL YEAR 2005

(H.R. 4852)

To authorize appropriations for the Department of Homeland Security for fiscal year 2005, and for other purposes.

Summary

H.R. 4852 is the first-ever Department of Homeland Security Authorization Act, authorizing appropriations for Fiscal Year 2005 and providing Congressional policy guidance to the Department as it carries out its homeland security activities. The bill contains the key provisions described below.

Title I, Information Collection, Analysis, and Dissemination, contains a series of provisions to enhance the Department's capabilities and authorities in this area. Section 101 makes the Secretary the head of a new inter-agency Homeland Security Information Requirements Board that will set intelligence collection requirements and priorities, and requires that the Secretary be a member of any U.S. government board that assists in setting foreign collection requirements and priorities. Section 102 improves the timeliness of Department access to law enforcement and intelligence information by developing a secure communications and information technology infrastructure to ensure simultaneous dissemination to all those within the Federal community who need to have such access. This section, as well as Section 106, also clarifies the Department's relationship with the Terrorist Threat Integration Center. Section 103 ensures that homeland security threats and advisories and other analytic products or conclusions issued by Federal agencies for State and local governments and the private sector are coordinated

by the Department. This section also revises the Homeland Security Advisory System to provide, as appropriate, for both public, nation-wide alerts (with specific advice on appropriate protective measures), and regional or sector-specific (including non-public) alerts. Section 104 codifies the Homeland Security Information Network to provide for a nation-wide, real-time, two-way secure communications network between the Department, other Federal, State and local agencies, and the private sector, and requires Departmental approval for dissemination of homeland security information by Federal agencies to State and local governments and the private sector. Section 105 enhances the Secretary's authority to give recruitment bonuses for intelligence analysts and others within the Information Analysis and Infrastructure Protection (IAIP) Directorate, and provides for an IAIP waiver of the ban on Federal annuitants receiving any additional Federal salary.

Title II, Cybersecurity, contains two provisions. Section 201 provides a definition of the term "cybersecurity" for purposes of the Paperwork Reduction Act (44 U.S.C. 3502) and the Homeland Security Act of 2002. Section 202 enhances the profile of cybersecurity within IAIP by establishing in statute the National Cybersecurity Division and providing for an Assistant Secretary with specific statutory responsibilities (including overseeing the National Communications System).

Title III, Science and Technology, contains provisions extending the existence of the Homeland Security Institute (Section 301); authorizing the Secretary to create Special Access Programs for sensitive research and development activities (Section 302); making changes to the appointments of members of the Homeland Security Science and Technology Advisory Committee (Section 303); requiring the submission of additional information to Congress regarding the Department's Science and Technology budget and related grants, contracts, and solicitations (Sections 304 and 305); requiring the Secretary to conduct an assessment of Department science investment strategies and priorities (Section 306); authorizing the Secretary to extend cybersecurity higher education programs administered by the National Science Foundation to include community colleges (Section 307); authorizing the joint development of anti-terrorism technologies and countermeasures with allies of the U.S. in the war on terror (Section 308); directing the Secretary to ensure greater coordination of geospatial technology, data, and interoperability investments between and among the Department's various directorates (Section 309); directing the Secretary to coordinate all existing interoperability programs, establish a national approach to achieving interoperable communications, provide technical assistance to State and local agencies, accelerate the development of standards, and otherwise carry out these and related functions within a new Office of Interoperability and Compatibility (Section 310); and establishing a Technology Transfer Program to facilitate tests, evaluations, and demonstrations of technologies available from the Department, other Federal agencies, and the private sector in order to help speed transfer and commercialization of such technology for use by Federal, State and local government agencies, emergency response providers, and the private sector (Section 311).

Title IV, Critical Infrastructure Protection, contains provisions creating a “Baldrige-type” award to encourage innovative solutions by the private sector with respect to securing critical infrastructures (Section 401); providing the Sense of the Congress that private sector participation in the Department’s Homeland Security Operations Center should be increased (Section 402); adding the civilian Global Positioning System infrastructure to the statutory list of “critical infrastructure” under the Homeland Security Act of 2002 (Section 403); ensuring that grants related to critical infrastructure protection are consistent with priorities, recommendations, and activities under section 201(d) of the Homeland Security Act of 2002, and that the Secretary track and provide reporting on such grants by recipient, type of activity funded, and critical infrastructure sector addressed (Section 404); and directing the Secretary to develop critical infrastructure protection awareness and educational materials for emergency response providers and infrastructure owners and operators (Section 405).

Title V, Emergency Preparedness and Response, contains the following provisions. Section 501 directs that terrorism exercises conducted by the Department involve multiple threats and response capabilities, and are evaluated and assessed to identify deficiencies and best practices. Section 502 ensures that local officials receive proper notification of homeland security grants and that the Secretary distributes grants for high-threat, high-density urban areas in a manner that includes those jurisdictions that are likely to provide support to the designated areas in the event of terrorism. Section 503 directs the Secretary to support the development of mutual aid agreements by identifying and cataloging existing mutual aid agreements at the State and local levels of government, disseminating to State and local governments examples of best practices in the development of such agreements, and conducting an inventory of Federal response capabilities that State and local officials may utilize during terrorist attacks or other emergencies. Section 504 directs the Secretary of Homeland Security, in consultation with all appropriate Federal agencies, to develop and publish a comprehensive national preparedness goal, with particular emphasis on preparedness for acts of terrorism. Section 505 clarifies responsibility within the Department with respect to interoperative communications. Section 506 directs the Secretary to create a national biodefense strategy for meeting the requirements, responsibilities, and authorities of the Homeland Security Act of 2002 (P.L. 107–296). Section 507 directs the Secretary to create a comprehensive national strategy for meeting the requirements, responsibilities, and authorities of the Homeland Security Act of 2002 with respect to mitigating radiological and nuclear threats.

Title VI, Security Enforcement and Investigations, contains provisions requiring the development of a plan to improve operational coordination and interoperability of the Department’s various maritime air and surface assets, and among its various overland border air assets (Section 601); requiring that the Border and Transportation Security Directorate better coordinate the collection, analysis, and dissemination of information relating to border and transportation security within the Directorate and with other elements of the Department, so that all necessary personnel can access and

receive in a timely manner information from all databases utilized by the Directorate (Section 602); and enhancing the utilization of pre-clearance programs at the borders by increasing flexibility in location and operations of such programs (Sections 603 and 604).

Title VII, Departmental Management and Operations, contains three provisions relating to the overall management of the Department of Homeland Security. Section 701 shifts the responsibilities for management of the Department from the Under Secretary for Management to the Deputy Secretary, assigns such official additional management-related duties, provides for a Chief Acquisition Officer for the Department, and amends the responsibilities of the Department's Chief Human Capital Officer. Section 702 requires that the Secretary submit additional budget details relating to information technology spending across the Department's directorates, offices, and agencies. Section 703 requires that the Secretary keep the Congress fully and currently informed regarding all significant initiatives of the Department.

Title VIII contains several technical and miscellaneous provisions, including clarifications regarding the pay level of the Director of the Bureau of Citizenship and Immigration Services and the reporting structure for the Director of the United States Secret Service. Finally, Title IX authorizes appropriations for the Department and its directorates.

Legislative History

H.R. 4852 was introduced in the House on July 19, 2004, by Representatives Cox, Dunn, Camp, Shadegg, Thornberry, and Gibbons. H.R. 4852 was referred to the Select Committee on Homeland Security, and in addition to the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Government Reform, the Committee on Agriculture, and the Permanent Select Committee on Intelligence.

On Monday, July 19, 2004, the Select Committee met in open markup session to consider, by title, individual Committee Prints consisting, collectively, of the text of H.R. 4852 but did not complete consideration thereon. No further action occurred on legislation to authorize appropriations for the Department of Homeland Security in the 108th Congress.

Several provisions from H.R. 4852 were incorporated into H.R. 10, as passed by the House, including Section 202 (creating Assistant Secretary for Cybersecurity within the Department), Sections 310 and 505 (on interoperable communications), and Section 503 (on mutual aid). Several provisions also were included in Public Law 108-453, including Section 309 (geospatial management), and Sections 310, 503, and 505. Additional provisions of H.R. 4852 were included in the Department of Homeland Security Appropriations Act for Fiscal Year 2005 (P.L. 108-334) including Section 301 (extension of the Homeland Security Institute); and Section 303 (amending the terms of Members on the Homeland Security Science and Technology Advisory Committee). Other sections were adopted pursuant to Executive action: Section 403 (adding the Global Positioning System to the list of critical infrastructures);

and Section 601 (integrating air and maritime border security assets within the Directorate of Border and Transportation Security).

OVERSIGHT ACTIVITIES

FULL COMMITTEE

By the end of the 108th Congress, the Select Committee on Homeland Security held 29 Full Committee hearings, and received testimony from 68 witnesses at such hearings. In addition, the Committee held numerous briefings and site visits at the Member and staff levels to review additional matters of oversight interest to the Committee. The following is a description of the significant oversight activities conducted at the full Committee level, by topic.

OVERSIGHT ACTIVITIES

Countering Bioterrorism and Other Weapons of Mass Destruction

During the 108th Congress, the Committee actively reviewed a wide range of issues relating to the Department of Homeland Security's bioterrorism-related activities. As part of the oversight effort leading up to Committee consideration and passage of the Project BioShield Act, the Committee closely evaluated the capabilities of the Department to carry out the bio-threat assessment critical to the success of this new initiative. On May 15, 2003, the Committee held a hearing entitled "BioShield: Countering the Bioterrorist Threat." This hearing placed BioShield in a broader context by focusing on the scope of the threat to our Nation posed by bioterrorism, including the technical and economic obstacles to countering this threat. The Committee heard testimony from scientists with specific expertise in fields related to bioterrorism, as well as representatives of companies and industries in the business of researching and developing new drugs and treatments. Testimony was received from: Dr. Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases; Dr. L. Garry Adams, Associate Dean for Research, Biodefense & Infectious Diseases, College of Veterinary Medicine, Texas A&M University; Dr. Clarence James Peters, Director for Biodefense, Center for Biodefense and Emerging Infectious Diseases, University of Texas Medical Branch; Dr. Ronald Crystal, Professor and Chairman, Department of Genetic Medicine, Weill Medical College of Cornell University; Dr. William A. Haseltine, Chairman and Chief Executive Officer, Human Genome Sciences, Inc.; Mr. Alan Pemberton, Pharmaceutical Research and Manufacturers of America; Mr. Robert J. Sutcliffe, Director, President and Chief Executive Officer, Digital Gene Technologies, Inc.; and Mr. Frank M. Rapoport, Partner, McKenna Long & Aldridge, LLP.

On June 6, 2003, the Committee held a hearing entitled "BioShield: Lessons from Current Efforts to Develop Bio-Warfare Coun-

termeasures.” This hearing identified how Federal agencies currently perform bioterror threat assessments and whether and how such assessments lead to the prioritization of countermeasure development. Testimony was received from: Dr. John Ring La Montagne, Deputy Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Department of Health and Human Services; Dr. Ali Khan, Chief Science Officer, Parasitic Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention, Department of Health and Human Services; and Mr. Joseph M. Henderson, Associate Director for Terrorism Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services.

An additional briefing was held for the Chairman and Ranking Member in May 2004 by the Senior Director for Bioterrorism of the National Security Council. The briefing afforded the Committee the opportunity to understand the Administration’s work to identify national bioterrorism preparedness gaps, the capabilities and current limitations of Federal agencies, and to better coordinate the efforts of the Federal government in concert with State and local partners.

Subsequent to the passage of the Project BioShield Act, on October 13, 2004, the Department of Health and Human Services briefed the Committee on the status of the BioShield procurement process. Officials at the briefing included Dr. Monique Mansoura, Senior Planning Officer of the Office of Research and Development Coordination. The briefing discussed how to expand the number of Federal contracts awarded pursuant to the new Project BioShield legislation in order to procure new chemical, biological, radiological, and nuclear countermeasures.

In addition, on November 22, 2004, Committee staff traveled to the Counter Measures Test Bed located at the New York/New Jersey Port Authority, which was being funded by the Science and Technology Directorate of the Department of Homeland Security. The purpose of this visit was to understand the breadth of countermeasure technologies that are evaluated at test beds, how new technologies are incorporated into existing infrastructures, and how the knowledge, operation concepts, and other resources gained at test beds are shared and utilized by the Department and other users.

On November 23, 2004, Committee staff also traveled to the Plum Island Animal Disease Center within the Science and Technology Directorate of the Department of Homeland Security. The purpose of this visit was to understand the risks of foreign animal diseases and the appropriate means of preventing, detecting, and eliminating their potential intrusion into the United States. Additional issues of concern included the transition of Plum Island to the Department of Homeland Security from the Department of Agriculture, the costs of maintaining the island facility, and incorporating agro-terrorism preparedness into the National Response Plan.

During the 108th Congress, the Committee also reviewed the efforts of DHS to coordinate its threat assessment with the assets, capabilities, and research and development activities across the

Federal government, and to establish a strategic plan and priorities for such activities pursuant to its mandate under the Homeland Security Act of 2002. As part of this effort, on Thursday, June 3, 2004, the Committee held a hearing entitled "Towards a National Biodefense Strategy." Testimony was received from the Honorable Penrose "Parney" Albright, Assistant Secretary for Science and Technology, Department of Homeland Security; Major General Lester Martinez-Lopez, Commanding General, U.S. Army Medical Research and Materiel Command Fort Detrick, Maryland; Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, Department of Health and Human Services; Accompanied by Dr. William F. Raub, Principal Deputy Assistant Secretary, Office of the Assistant Secretary for Public Health Emergency Preparedness; Dr. Shelley A. Hearne, Executive Director, Trust for the America's Health; and Dr. Anna Johnson-Winegar, Private Consultant.

In addition, on December 8, 2003, the Chairman of the Committee sent a request to the Government Accountability Office (GAO), along with other Members of Congress, to review the level of coordination between the Department of Homeland Security and other Federal agencies with respect to preparedness for and response to a terrorist event with significant public health implications. Specific topics for review included inter-agency collaboration on: (1) the new BioWatch and BioSense programs; (2) biodefense research programs; (3) response capabilities such as the Strategic National Stockpile and the Metropolitan Medical Response System; and (4) plans to coordinate the Federal response to bioterrorism. This work by the GAO remains ongoing, and the Committee conducted numerous other briefings and interviews with DHS and other Federal agencies with respect to these topics during 2003 and 2004.

Airspace Security

During the 108th Congress, the Committee reviewed the efforts of the Department of Homeland Security's Office of Air and Marine Operations (AMO) to carry out its airspace security responsibilities, particularly its new responsibilities with respect to the National Capital Region (NCR). Among other responsibilities, the Air and Marine Operations Center (AMOC) is a radar surveillance center, which monitors airspace around the United States with special focus on detecting air assets crossing the border. AMOC also coordinates response capabilities to interdict, identify, and investigate in real time aviation aircraft that violate airspace restrictions.

As part of this oversight effort, on May 27, 2004, Committee staff visited Ronald Reagan National Airport in Washington, DC, for a briefing and demonstration by AMO on its airspace security capabilities in the NCR. On June 30, 2004, Committee staff also traveled to the AMOC, located in Riverside, California, where staff received a briefing on AMOC capabilities and resources.

The Committee also reviewed the circumstances surrounding an airspace incursion incident in the NCR that occurred during the events relating to former President Ronald Reagan's funeral. On the afternoon of June 9, 2004, the presence of an unidentified

Track of Interest (TOI) by the Federal Aviation Administration (FAA) inside the Washington, DC Flight Restricted Zone (FRZ) led the U.S. Capitol Police Command Center to order the evacuation of the Capitol complex during the events related to former President Ronald Reagan's funeral. The flight was later identified to be a legitimate plane bound for Ronald Reagan National Airport, but a malfunctioning transponder on the plane prevented proper communication between the airplane and the FAA.

Following the incident, Committee staff received a classified briefing by all relevant agency representatives, including the Transportation Security Administration, AMO, the Department of Defense, the FAA, the U.S. Secret Service, and the U.S. Capitol Police, and invited the staff of the other House Committees with relevant jurisdiction to attend. The briefing focused on the precise events that transpired on June 9th, the problems in coordination and communication that were identified, the capabilities of the relevant parties to react to airspace incursions in the NCR, and the corrective actions that would be taken to prevent similar incidents in the future. Subsequently, on July 23, 2004, Committee staff visited the NCR AMO operations at Ronald Reagan National Airport in Washington, DC. Staff reviewed additional information regarding the June 9, 2004 airspace incursion, AMO's general authorities and roles with respect to incursions into the Flight Restricted Zone around Washington, DC, and AMO's actions with respect to other past incidents of incursions.

Standing Up the Department of Homeland Security

On May 20 and 22, 2003, the Committee held a hearing entitled "How is America Safer? A Progress Report on the Department of Homeland Security." Testimony was received from the Honorable Tom Ridge, Secretary, Department of Homeland Security, and the hearing focused on the challenges facing the new Department in its first year. A few months later, on September 10, 2003, the Committee held a similar hearing entitled "Perspectives on 9/11: Building Effectively on Hard Lessons." Testimony was received from: the Honorable James Gilmore, III, former Governor of Virginia and Chairman, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; and Ms. Eleanor Hill, Staff Director, Joint Intelligence Committee Inquiry.

Emergency Response and Terrorism Exercises

During the 108th Congress, the Committee emphasized the importance of real-world exercises in both monitoring and improving preparedness levels for acts of terrorism. On May 18, 2003, the Committee received a briefing from representatives of the Department of Homeland Security on TOPOFF II (Top Officials). The TOPOFF series is a national-level, multi-agency, multi-jurisdictional, "real-time," limited-notice weapons of mass destruction (WMD) response exercise, designed to better prepare senior government officials to respond effectively to an actual terrorist attack involving WMD. TOPOFF II was held on May 12, 2003. The Department of Homeland Security and the Department of State, in cooperation with Federal, State, local, and Canadian partners, con-

ducted this exercise of simulated attacks in the Chicago and Seattle metropolitan areas. The Committee briefing focused on the immediate findings of the exercise and the plans for more thorough analysis of deficiencies revealed and corrective actions to be taken.

To follow up on this matter, on October 3, 2003, Committee Members and staff traveled to Seattle, Washington, and met with Federal and local officials involved in the TOPOFF II exercise, including representatives from the United States Coast Guard; King County, Washington; the Seattle Fire Department; Federal Emergency Management Agency, Region X; a King County public health officer; and the Washington State Department of Emergency Management. The Committee also met with first responders to discuss interoperability and information sharing practices. This roundtable discussion provided significant background that led to the introduction of H.R. 3266 (see discussion of "First Responders"). The Committee was particularly interested in examining the challenges the Department faced in coordinating and planning exercises that incorporate multiple agencies from different levels of government and private industry.

On May 17, 2004, Committee staff traveled to New York City to observe Operation Transit SAFE (Subway Attack Full-Scale Exercise), an exercise sponsored by the Office for Domestic Preparedness of the Department of Homeland Security. The Department designed Operation Transit SAFE to comprehensively test and evaluate capabilities to respond to terrorist attacks involving WMD in a public transportation setting.

In addition, on Thursday, July 8, 2004, the Committee held a hearing entitled "Practice Makes Perfect: Strengthening Homeland Security by Exercising Terrorism Scenarios." Testimony was received from the Honorable C. Suzanne Mencer, Executive Director, Office of State and Local Government Coordination and Preparedness, Department of Homeland Security; Mr. Thomas O. Mefferd, Director, DuPage County Office of Homeland Security and Emergency Management, State of Illinois; and Mr. Clark Kimerer, Deputy Chief of Operations, Seattle Police Department, Seattle, Washington. This hearing examined how terrorism preparedness exercises assist in strengthening Federal, State, and local government homeland security response capabilities by providing an opportunity for communities to train for specific scenarios, to identify gaps in preparedness, to measure readiness, and to promote cooperation among multiple agencies and jurisdictions. This hearing also focused on the level of cooperation and communication between State and local agencies and the Department's Office for Domestic Preparedness in preparing, conducting, and evaluating such an exercise. The Committee examined the effectiveness of the Office for Domestic Preparedness' support in aiding States and localities to implement their own terrorism preparedness exercises, and the degree to which exercises within the Department of Homeland Security are coordinated to form an integrated program. In addition, witnesses discussed the degree to which terrorism preparedness programs in the Department of Defense or the Department of Health and Human Services are coordinated and integrated with exercises implemented by the Department of Homeland Security.

The Committee also examined the role of the media with respect to terrorism preparedness and response, including with respect to terrorism exercises. On September 15, 2004, the Committee held a hearing entitled “Combating Terrorism: The Role of the American Media.” Testimony was received from Mr. Marvin Kalb, Author and Senior Fellow, Joan Shorenstein Center on the Press Politics and Public Policy at Harvard University’s Kennedy School of Government, Former Moderator, NBC’s Meet the Press; Mr. Frank Sesno, Former Vice President and Washington Bureau Chief, Cable News Network (CNN); Mr. Scott Armstrong, Executive Director, Information Trust; Ms. Barbara Cochran, President, Radio-Television News Director Association; Mr. Gregory Caputo, News Director, WGN-TV 9, Chicago, Illinois; Mr. Robert Long, Vice President and News Director, KNBC-4, Los Angeles, California. This hearing examined the role the broadcast media plays in the War on Terrorism, and our efforts to communicate emergency information to the public in times of crisis.

Port, Maritime, and Cargo Security

The Committee conducted ongoing oversight regarding the programs and capabilities of the Department of Homeland Security to ensure that terrorists cannot exploit our maritime system to smuggle weapons of mass destruction or other contraband into the country. To better understand the impact of two new Departmental initiatives in this area—the Container Security Initiative (CSI) and Operation Safe Commerce (OSC)—and to evaluate additional port security needs, Committee Members and staff traveled in June 2003 to the Ports of Los Angeles and Long Beach, which together handle approximately 42 percent of the Nation’s cargo.

During the site visit, the Committee held a hearing on June 21, 2003, entitled “Protecting Our Commerce: Enhancing the Security of America’s Ports.” Testimony was received from: Captain John Holmes, United States Coast Guard; Mr. William Ellis, Director of Security, Port of Long Beach; Ms. Vera Adams, Interim Port Director, Los Angeles/Long Beach, Bureau of Customs and Border Protection (CBP), Department of Homeland Security; Mr. Noel K. Cunningham, Chief of Police and Director of Operations, Port of Los Angeles; Mr. Lee Baca, Sheriff, Los Angeles County, California; Mr. Mike Carona, Sheriff, Orange County, California; Ms. Doris Ellis, Director, Sandia National Laboratories; and Mr. Kenneth A. Price, Senior Inspector, Bureau of Customs and Border Protection, Department of Homeland Security. The Members also toured the ports by helicopter and Coast Guard cutter. They examined truck-mounted X-ray machines that are moved from dock to dock to screen containers, and witnessed the operations of the Coast Guard and CBP officials who work with local law enforcement to check ships, crew members, and the 8,000 steel containers that come through the adjoining ports daily. Similar topics were explored during the Committee Members’ trip to Seattle in October 2003.

On February 27, 2004, Members of the Select Committee traveled to Miami, Florida, and conducted a site tour of various facilities. While visiting the Port of Miami, the Committee met with representatives of the U.S. Coast Guard; Customs and Border Protection, Department of Homeland Security (CBP); the Transportation

Security Administration, Department of Homeland Security (TSA); Port of Miami officials; and representatives from the Cruise Industry. The Committee examined CBP passenger processing, including the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) entry and exit procedures. The Committee also witnessed a demonstration of the Transportation Security Administration's Synergy Program, under which TSA is integrating the seamless transfer of the baggage of cruise ship passengers from one mode of transportation to another.

On April 23, 2004, Committee staff visited Coast Guard operations in Yorktown, Virginia. Staff observed and participated in the multiple maritime security missions of the Coast Guard in order to gain a better understanding of these missions, and the Coast Guard's capabilities and assets.

From August 15–20, 2004, Committee staff traveled with representatives from the Coast Guard to Juneau, Valdez, and Kodiak Island, Alaska to receive additional briefings and demonstrations on Coast Guard missions and capabilities. The briefings focused on how the agency has transformed itself since September 11, 2001, to focus more heavily on its homeland security missions.

On November 4, 2004, Committee staff toured the U.S. Coast Guard Cutter *Shamal* (WPC-13) at James Creek Marina, Washington, DC. Transferred from the U.S. Navy to the Coast Guard on September 29, 2004, *Shamal*, once commissioned, will conduct homeland security missions, including drug and alien migrant interdiction, and search and rescue operations in the Caribbean and Gulf of Mexico. The purpose of the staff visit was to examine the vessel, meet the crew, and gain a better understanding of the emerging homeland security capabilities of the Coast Guard.

On December 1, 2004, Committee staff received briefings from representatives of CBP on progress made in both the CSI and the Customs and Trade Partnership Against Terrorism (C-TPAT) programs. Following this briefing, Committee staff traveled to Singapore and Europe during December 2004 to see how these programs operate in practice. The European trip included the Kingdom of the Netherlands, the French Republic, and the United Kingdom of Great Britain and Northern Ireland. Staff visited the Port of Felixstowe, the Port of Rotterdam, and the Port of Le Havre to meet with CBP and Immigration and Customs Enforcement (ICE) staff to discuss the CSI and C-TPAT programs. Staff also examined the Immigration Advisory Program (IAP) effort at Schiphol Airport in Amsterdam.

Border Security and Immigration Enforcement

In an effort to examine the progress made in our Nation's capabilities to secure ports of entry into the United States, track visa holders, and prevent would-be terrorists and terrorist weapons from entering the country, on June 25, 2003, the Committee held a hearing entitled "Assessment of Department of Homeland Security Initiatives to Secure America's Borders." The hearing also included discussion of how security efforts are being balanced with the desire to facilitate legal commerce and travel. Testimony was received from the Honorable Asa Hutchinson, Under Secretary of Homeland Security for Border and Transportation Security, De-

partment of Homeland Security. Under Secretary Hutchinson updated Members on the Department's progress in setting up the Border and Transportation Security (BTS) Directorate and transferring into it the various legacy agencies that make up that Directorate.

The Committee also began a review of the U.S. Border Patrol's policies relating to enforcement of immigration laws away from the border. As part of this review, on June 23, 2004, the Chairman of the Select Committee requested that the Government Accountability Office (GAO) report to the Committee on the proper functioning and effectiveness of the U.S. Border Patrol's interior checkpoints. The GAO agreed to conduct this review, which is ongoing.

In addition, Committee Members and staff traveled to Washington State in October 2003 and met with Federal, local, and Provincial Canadian officials and private sector representatives on security challenges in the Puget Sound and Northern Border region. The Committee discussed initiatives and programs relating to Northern Border crossings. As part of this trip, on October 4, 2003, the Committee met with representatives from the Federal Bureau of Investigation, the Department of Homeland Security, and local law enforcement officials on perspectives on the Ahmed Ressam millennium bombing case, which was disrupted when he attempted to cross the Northern Border. Committee Members and staff also traveled to St. John in February 2004 to examine additional alien smuggling and border security issues, as part of a multi-purpose Committee trip to Miami, Florida and Guantanamo Bay, Cuba.

From August 23–27, 2004, Committee staff also visited Sydney and Canberra, in the Commonwealth of Australia, to meet with representatives from the Australian Department of Immigration and Multicultural and Indigenous Affairs. The purpose of the trip was to discuss the Australian border management system, which utilizes advanced passenger information and electronic visas. During the trip, staff also met with Australian officials regarding maritime security, intelligence, and counter-terrorism efforts.

In addition to the above trips, Committee staff traveled to ports of entry (POEs), Border Patrol stations, U.S. Coast Guard facilities, detention centers, and other Department facilities relating to its border security mission around the country. Specifically, staff traveled to the following States: Arizona, Texas, California, New York, and Michigan. During these site visits, staff met with Department personnel from various offices, other Federal agencies, State and local governments, Tribal governments, and private sector representatives. These trips provided Committee staff an opportunity to understand unique security challenges around the Nation and review current Department initiatives to secure our borders.

For additional information on Committee activities relating to border security, see the Subcommittee on Infrastructure and Border Security oversight section.

First Responders

The paramount emergency preparedness and response concern of the Committee during the 108th Congress was reforming the Office for Domestic Preparedness (ODP) homeland security grant programs for State and local governments. The Committee held nu-

merous hearings and briefings on this issue with the Department of Homeland Security, State and local government entities, first responders and their associations, non-profit commissions, and Members of Congress. Committee staff also gathered data from, and conducted interviews with, State and local governments across the country to identify deficiencies with the current homeland security assistance system. These activities, described more fully below, were the foundation for the Committee's development and passage of H.R. 3266, the Faster and Smarter Funding for First Responders Act.

On June 19, 2003, the Committee held a hearing entitled "America's Response to Terrorism: How is DHS Improving our Capabilities?" Testimony was received from the Honorable Michael Brown, Under Secretary of Homeland Security for Emergency Preparedness and Response, Department of Homeland Security. This hearing examined the Department's progress in enhancing our Nation's capabilities to prepare for, respond to, and recover from acts of terrorism, especially those involving weapons of mass destruction (WMD), and how to better distribute Federal homeland security assistance to first responders for such purposes. The hearing identified numerous problems with the Federal government's distribution of funds to State and local governments for terrorism preparedness.

On July 17, 2003, the Committee held a hearing entitled "First Responders: How States, Localities, and the Federal Government Are Working Together to Make America Safer." Testimony was received from the Honorable Mitt Romney, Governor, Commonwealth of Massachusetts; Mr. Jamie F. Metzl, Senior Fellow and Coordinator for Homeland Security Programs, Council on Foreign Relations; Mr. George Jaramillo, Assistant Sheriff, Orange County, California Sheriff's Department; Mr. Michael Grossman, Captain, Los Angeles County Sheriff's Department; and Mr. Ray Kiernan, Fire Commissioner and Chief of New Rochelle Fire Department & Member of Westchester Career Fire Chiefs and Northeast Fire Consortium, New Rochelle Fire Department, New Rochelle, New York. This hearing examined the Department's administration of Federal terrorism preparedness grant programs from the perspective of State and local governments. The witnesses emphasized the need to simplify and streamline the grant-making process and to facilitate more effective coordination at all levels of government.

On October 3, 2003, in Seattle, Washington, Committee Members met with first responders to discuss interoperability and information sharing practices. In addition, on October 21, 2003, the Committee held a hearing entitled "Funding for First Responders: Ensuring That Federal Funds Are Distributed Intelligently." This hearing focused on reforming the current system of allocating Federal funds to first responders. Testimony was received from the Honorable John G. Rowland, Governor, State of Connecticut; Mr. John D. Cohen, Special Assistant to the Secretary of Public Safety, Commonwealth of Massachusetts; Mr. Ray A. Nelson, Executive Director, Office for Security Coordination, Commonwealth of Kentucky; and Lt. Col. Scott Behunin, Director, Division of Emergency Service & Homeland Security, State of Utah who testified on behalf of the National Emergency Management Association.

On November 19, 2003, the Chairman of the Select Committee met with representatives from the national fire service organizations, including officials of the International Association of Fire Fighters, the International Association of Fire Chiefs, and the National Volunteer Fire Council, to discuss the provisions of H.R. 3266, the “Faster and Smarter Funding for First Responders Act of 2003,” which was introduced on October 8, 2003. The Chairman and the fire service representatives discussed a number of issues, including the need to clarify the definition of the term “emergency response providers”; preserve existing traditional grant programs, such as the Fire Act grants and the Emergency Management Planning and Assistance Account Grant programs; enhance reporting requirements to ensure that first responders rapidly receive Federal funding; improve public safety communications interoperability; and establish a first responder advisory council. The Chairman held a similar meeting with representatives of the law enforcement community on May 20, 2004; this meeting emphasized the importance of ensuring that H.R. 3266 permitted Federal grant funds to be used for prevention activities, such as enhanced information sharing and critical infrastructure protection. The Chairman held additional meetings with first responder organizations throughout 2003 and 2004, as well.

On January 12, 2004, ODP officials briefed Committee staff on the Department’s process for distributing terrorism preparedness grants for Fiscal Year 2004. In response to the Committee’s inquiries, ODP discussed the Department’s efforts to streamline the grant distribution process, consolidate all terrorism preparedness grants into a single office, simplify the application process, and establish more stringent reporting requirements for State and local governments.

In addition, during a tour of various facilities at the end of February 2004, Committee Members and staff met with representatives from the Miami Medical School to discuss the emergency response to terrorism for first responders. They also visited with first responders on St. Thomas and St. Croix, U.S. Virgin Islands, where they were briefed on local first responder funding, drug interdiction and money laundering.

Between January and April 2004, Committee staff gathered data from, and interviewed, State and local officials from across the country with respect to their receipt and utilization of DHS terrorism preparedness grants. This review discovered numerous administrative, legal, organizational, and planning obstacles to effective and efficient allocation and spending of Federal homeland security assistance. Specifically, Committee staff found that (1) the Department awarded grants without a rigorous assessment of need or risk; (2) almost one-third of the States allocated their share of Federal grant funds to internal jurisdictions without regard to need or risk; (3) those States that applied need or risk criteria in allocating grant funding followed no standard approach to doing so; (4) no Federal terrorism preparedness standards existed to guide the spending of such funds at the State and local level, resulting in many questionable expenditures; and (5) local governments have spent only a small proportion of Federal grant funds due to a lack of advanced planning and other administrative obstacles.

In early August 2004, Committee staff traveled to New York City to meet with Mayor Michael Bloomberg's staff on first responder funding issues and to review New York City's terrorism preparedness activities. New York City officials, first responders, and emergency managers briefed Committee staff on the unique characteristics and needs of a densely populated, high-risk urban area; the preparedness measures necessary to prevent and respond to terrorist attacks in such areas; and the effect of the current Federal homeland security assistance system on New York City's ability to prevent, prepare for, and respond to future attacks, especially those involving weapons of mass destruction.

To observe existing capabilities available to improve technologies, exercises, and procedures for first responders, Committee staff traveled to the National Memorial Institute for the Prevention of Terrorism in Oklahoma City on November 30, 2004. The purpose of this visit was to learn about ongoing research and development that may produce new technologies for first responders to improve communications, detect and respond to weapons of mass destruction and other hazardous materials, improve safety, share information among various government agencies and the private sector, and adequately alert the public and first responders of emergencies. In addition, this visit provided insight into the existing and future capabilities of the Department to catalogue and disseminate best practices and lessons learned among all levels of the public safety community, as well as to provide assistance for first responders to locate and compare off-the-shelf technologies for purchase.

As a result of this oversight activity on first responder issues, the Committee developed and passed H.R. 3266 (see Legislative Activity section), which was later incorporated into H.R. 10, the "9/11 Commission Recommendations Implementation Act of 2004," as passed by the House. The Committee also developed, as a result of this oversight activity, various other first responder-related provisions that were incorporated into H.R. 10, including provisions to: (1) Enhance coordination, standard-setting, technical assistance, best practices, and planning for interoperable communications for first responders; (2) permit the Department of Homeland Security to enter into multi-year commitments with grant recipients for interoperable communications purposes; (3) direct the Department to carry out a program for the rapid establishment of interoperable communications systems in high-risk areas; (4) provide liability protection for first responders who respond in neighboring jurisdictions pursuant to mutual aid agreements; and (5) direct the Department to review gaps in the current mutual aid systems throughout the country, provide assistance and best practices to spur additional mutual aid agreements where needed, and create and provide to States and local governments an inventory of available Federal response assets. These provisions ultimately became law as part of the "Intelligence Reform and Terrorism Prevention Act of 2004," the Senate companion to H.R. 10.

In addition, the Committee's active oversight and legislative activity relating to first responder funding programs encouraged administrative reforms by the Executive Branch, included for example, in Homeland Security Presidential Directive on National Pre-

paredness (HSPD-8), including: (1) Greater risk-based prioritization of grants; (2) developing terrorism preparedness standards to guide spending and to measure results; and (3) consolidating and streamlining the various first responder grant programs. Moreover, improvements in State reporting and accountability also resemble policies within legislation authored by the Committee. Each State must now submit an application for Federal homeland security assistance that is consistent with a prior approved State homeland security plan. Recipients of Federal homeland security assistance in Fiscal Year 2005 also must, as directed by the Department of Homeland Security, provide reports on the use of funds. Similar to the policies encouraged by this Committee, the Office of State and Local Government Coordination and Preparedness (OSLGPC) will soon provide State and local jurisdictions with nationally-accepted first responder preparedness levels and grant guidelines. OSLGCP is currently developing measurable readiness priorities and targets that account for the threat, risks, and consequences of possible attacks, major disasters, and other emergencies.

The Fiscal Year 2005 Grant Guidance for the Homeland Security Grant Program and the Urban Area Security Initiative recently released by ODP also incorporated numerous policies that originated within H.R. 3266. They include directing State preparedness strategies and the spending of Federal homeland security grant assistance to be based on the achievement of nationally accepted risk-based levels of preparedness that correspond with the particular risks, threats, consequences, population, population density, critical infrastructure, and other distinguishing factors of a community. Similar to H.R. 3266, regional grant awards will be required to be consistent with State plans. Further, ODP directs grant recipients to foster a greater regional approach to preparedness through the development of mutual aid agreements, inter-agency training and exercises that involve multiple jurisdictions, and the development of comprehensive interoperable communications plans—all of which have been strongly advocated by the Committee.

The Homeland Security Advisory System and Other Threat Advisories

During the 108th Congress, the Committee examined concerns with the Department of Homeland Security's administration and use of the Homeland Security Advisory System, particularly with respect to the impact of such alerts on the public, personnel overtime costs, and other administrative burdens that result from elevations in the threat alert level. As part of this review, on February 4, 2004, the Committee held a hearing entitled "Homeland Security Advisory System: Improving Preparedness through Effective Warning." Testimony was received from the Honorable James Loy, Admiral (Ret.), Deputy Secretary, Department of Homeland Security; and Mr. John O. Brennan, Director, Terrorist Threat Integration Center. The hearing focused on ways to better target threat and warning information by region or sector, so as to avoid imposing costs upon the Nation as a whole.

In addition, the Chairman and Ranking Member of the Select Committee on Homeland Security requested that the Government

Accountability Office (GAO) assist the Select Committee by undertaking a review of the Homeland Security Advisory System's benefits and costs and potential improvements that could be made to the system. On June 25, 2004, GAO issued its report, entitled "Homeland Security: Communication Protocols and Risk Communication Principles Can Assist in Refining the Advisory System." The report examined the decision making process for changing the advisory system national threat level; information sharing across Federal, State, and local governments; the protective measures implemented during alert periods; and the costs associated with these alert changes.

As a result of the Committee's oversight on this issue, the Department of Homeland Security reconfigured the Homeland Security Advisory System to provide—whenever possible—targeted warnings on the basis of the suspected geographic location, type, and target of a suspected terrorist attack. In addition, the Department increased the quality of resources and the level of information sharing with citizens and businesses dedicated to improving preparedness measures.

On a related matter, the Committee also reviewed the level of coordination between DHS and the FBI with respect to the issuance of terrorism threat warnings or alerts to State and local governments, the private sector, and the public. On April 8, 2004, the Chairman of the Select Committee on Homeland Security and the Chairman of the Subcommittee on Intelligence and Counterterrorism sent a letter to the Secretary of the Department of Homeland Security requesting information relating to the issuance of terrorist threat advisories by the Department and the FBI, and in particular, the circumstances surrounding the issuance of a March 24, 2004 advisory by the FBI to the chemical industry in Houston, Texas, without the Department's participation or concurrence. Subsequently, the Committee received a briefing on May 17, 2004, from representatives of the Department of Homeland Security on the issuance of threat advisories, and the Department agreed to ensure that all future threat advisories from DHS or the FBI would be appropriately coordinated.

Terrorist Threat Integration Center (TTIC)

The Terrorist Threat Integration Center (TTIC) was established on May 1, 2003, to enable full integration of terrorist threat-related information and analysis. TTIC is a joint venture between the Department of Homeland Security, the Federal Bureau of Investigation, the Department of State, the Department of Defense, the Central Intelligence Agency, and other representatives as assigned. During the 108th Congress, the Chairman and Ranking Member of the Select Committee on Homeland Security received routine, bi-weekly classified briefings from TTIC officials on the current threat environment. In addition, the Committee conducted oversight of TTIC's operations and activities, particularly its efforts to integrate classified and unclassified law enforcement and intelligence networks from across the relevant Federal agencies.

As part of this oversight, on July 22, 2003, the Select Committee on Homeland Security and the Committee on the Judiciary held a joint hearing entitled "Terrorist Threat Integration Center (TTIC)

and Its Relationship with the Departments of Justice and Homeland Security.” Testimony was received from: Mr. John Brennan, Director of the Terrorist Threat Integration Center; Mr. Larry Mefford, Executive Assistant Director, Counterterrorism and Counterintelligence, Federal Bureau of Investigation; Mr. William Parish, Acting Assistant Secretary for Information Analysis, Department of Homeland Security; and Mr. Jerry Berman, President, Center for Democracy and Technology, Washington, DC. In addition, the Chairman and Ranking Member conducted a site visit on July 9, 2004, to the TTIC facility to examine the current efforts to integrate classified and unclassified networks.

Identification Documents Fraud

The Committee conducted oversight in the 108th Congress regarding the ability of terrorists to gain fraudulent identification documents that would provide them the opportunity to travel into and within the United States. Central to the Committee’s oversight of this issue was examining how drivers’ licenses are fraudulently obtained and used. A drivers’ license in America today is much more than certification that the license holder is capable of operating a motor vehicle; it also is the primary identifier for airline security, to enter the country from Mexico or Canada, to purchase a weapon, to open a bank account, or to rent an apartment. Seven of the 9/11 hijackers traveled to Virginia to obtain genuine drivers’ licenses. Although none of them resided in Virginia at the time, they were able to obtain identification cards by falsely swearing they were residents of Virginia. Virginia has since modified its identification card/drivers’ license application procedures. Other States have also begun to examine and modify their application procedures as well.

On Wednesday, October 1, 2003, the Committee held a hearing entitled “Identification Documents Fraud and the Implications for Homeland Security,” as part of this effort to examine the ability of terrorists to obtain counterfeit and legitimate State identification cards and drivers’ licenses. Testimony on these subjects was received from the Honorable C. Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Policy Directorate, Department of Homeland Security; Mr. John Pistole, Assistant Director for Counterterrorism, Federal Bureau of Investigation; Mr. Paul J. McNulty, United States Attorney, Eastern District of Virginia, Department of Justice; Mr. Roscoe C. Howard, Jr., U.S. Attorney for the District of Columbia, Department of Justice; Mr. Joseph R. Carico, Chief Deputy Attorney General, Commonwealth of Virginia; Mr. Ronald D. Malfi, Director, Office of Special Investigations, Government Accountability Office; and Mr. Keith M. Kiser, Chair, American Association of Motor Vehicle Administrators. Witnesses discussed the issues and vulnerabilities associated with the use of Consular Matricular identification cards within the United States, drivers’ license application process, drivers’ license impact on highway safety, identity fraud and national security, and the need for a comprehensive approach needed to reform the nation’s multiple drivers’ licensing systems.

Prior to this hearing, Committee staff received briefings from the Department of Homeland Security, Department of Justice, Govern-

ment Accountability Office, the American Association of Motor Vehicle Administrators, and multiple private entities regarding potential technological means to improve identification card procedures and security.

In August 2004, the Government Accountability Office (GAO) issued a report regarding the use of Consular Identification Cards consistent with the findings of the Committee's October 2003 hearing. The GAO found that Consular Identification Cards are issued by some foreign governments to help identify their citizens living in a foreign country, but the cards do not certify legal residence within such foreign country. The GAO report discussed how such cards can be used as "breeder documents" to obtain State drivers' licenses, open bank accounts, show proof of identity to police, and gain access to other services. As highlighted during the hearing, the GAO report notes that several Federal agencies continue to hold different, and in some cases, conflicting views on the usage and acceptance of the cards, and that the executive branch's Homeland Security Council had not yet issued any guidance on the use and recognition of these cards.

Similarly, and consistent with the findings of the October 2003 hearing, the final report of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), issued on July 22, 2004, stated that "today more than 9 million people are in the United States outside the legal immigration system." As such, the 9/11 Commission recommended that standards be set for the "issuance of birth certificates and sources of identification, such as driver's licenses," as "all but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud. Acquisition of these forms of identification would have assisted them in boarding commercial flights, renting cars, and other necessary activities."

In response to the efforts by the Committee and others to highlight concerns relating to identification document fraud, several bills were introduced in the Congress, and the final version of S. 2845, the "Intelligence Reform and Terrorism Prevention Act of 2004" contained provisions to establish Federal standards for the issuance of birth certificates and other sources of identification, such as drivers' licenses.

Visa Issuance

During the 108th Congress, the Committee performed oversight regarding the implementation of Section 428 of the Homeland Security Act of 2002 (P.L. 107-296). Section 428 of the Act delineated the respective responsibilities of the Department of Homeland Security and the Department of State with respect to visa issuance. On September 29, 2003, the President transmitted in a message to the House of Representatives the Memorandum of Understanding (MOU) that was reached between the Department of Homeland Security and the Department of State outlining how Section 428 will be implemented. While Section 428 outlined broad authorities, the MOU described more specifically the respective roles and responsibilities of the two Departments.

On October 2, 2003, the Committee was briefed on the MOU by representatives from the DHS Border and Transportation Security

Directorate and the Department of State. In addition, the Committee examined the Department of Homeland Security's activities under the Visa Security Program, required under Section 428, which places Department personnel overseas to review visa applications. The Committee reviewed the Department's plans to expand this program beyond Saudi Arabia, whether the program is cost-effective, and whether the authorities given to such overseas personnel are broad enough to make the program worthwhile.

Aviation Security

The importance of employing thorough and skilled screeners and screening procedures to detect threat objects on individuals and in their baggage was highlighted when Nathaniel Heatwole of Damascus, Maryland, carried box cutters and other paraphernalia such as matches, bleach and modeling clay (to simulate explosives) through security and onto six Southwest Airlines B-737 jets in 2003. The items were contained in Ziploc-type plastic bags and concealed in the aircraft lavatory. Two of the packages were discovered weeks after they were placed aboard the aircraft by airline technicians called to troubleshoot malfunctioning lavatories, despite earlier communications by Heatwole to Federal authorities regarding his activities. Heatwole indicated that his purpose was to test the security screening process at airports.

On October 30, 2003, the Chairman and Ranking Member of the Select Committee on Homeland Security sent a letter to the Secretary of the Department of Homeland Security requesting information related to the handling of the Heatwole incident. The Committee received a written response from the Transportation Security Administration (TSA) on November 11, 2003, along with a report detailing the agency's initial findings from its internal investigation. TSA also described the necessary policy and operational changes it had made to address security gaps highlighted by the Heatwole incident.

The Committee also examined the threat that Man Portable Air Defense Systems (MANPADS) pose to civilian aircraft, and the Department of Homeland Security's efforts to mitigate this threat. The Select Committee met with representatives of the Department of Homeland Security to examine the threats, vulnerabilities, and countermeasure research and development relating to MANPADS on November 17, 2003. Members were briefed by representatives of the Science and Technology Directorate, the Information Analysis and Infrastructure Protection Directorate, and TSA. The briefing reviewed the worldwide availability of MANPADS, the threat they pose to aviation security as assessed by the intelligence community, and the current status of research and development initiatives to develop a countermeasure to these weapons.

In addition, the Committee reviewed the status of efforts to improve the security of air cargo through numerous staff briefings with officials from Federal agencies, the airlines, and the private sector. Committee Members and Staff monitored TSA's development and implementation of its Air Cargo Security Plan. Moreover, on March 16, 2004, the Select Committee and the Committee on Government Reform sent a joint letter to the Government Accountability Office requesting a review of the vulnerabilities in commer-

cial aviation. The Committees specifically requested a review of actions by TSA, foreign governments, the airlines, and the private sector to strengthen the security of air cargo.

Committee Members and staff also toured an air cargo facility in Miami, Florida during a February 2004 trip to Miami International Airport, and examined efforts by all parties to enhance air cargo security. While at the airport, Members also were briefed on perimeter security measures, airport access controls, the Explosive Detection Systems (EDS) baggage screening system, the international passenger transit program, and DHS' partnership with cargo shippers to improve safety and security.

The Departments Fiscal Year 2005 Budget Request

As part of the Committee's development of a comprehensive DHS authorization bill, on February 12, 2004, the Committee held a hearing entitled "The Department of Homeland Security's Proposed Fiscal Year 2005 Budget." Testimony was received from the Honorable Tom Ridge, Secretary, Department of Homeland Security. This hearing focused on the Department's fiscal year 2005 budget priorities and authorization needs, and led to a series of more detailed hearings at the Subcommittee level on the budget requests of each of the major components of the Department. This series of hearings formed the basis for the Committee's introduction of H.R. 4852, the Department of Homeland Security Authorization Act for Fiscal Year 2005 (see Legislative Activity section).

Management and Integration Challenges

During the 108th Congress, the Select Committee on Homeland Security monitored the management activities and performance of the Department of Homeland Security, particularly with respect to strategic planning and the integration of legacy information technology, financial management, human resources, and procurement functions and systems.

The Committee conducted a series of staff briefings with the Department's Chief Information Technology Officer, Chief Procurement Officer, Chief Financial Officer, and Chief Human Capital Officer to discuss progress in integration of these functions across the Department, and concerns about how the reporting structures within the Department hampered such efforts. For example, many of the legacy procurement offices do not report to the Department's Chief Procurement Officer, which limits the ability to set uniform procurement policies, to ensure coordination, and to achieve maximum efficiency and cost-effectiveness.

The Committee held a hearing on October 8, 2003 to examine the Department's financial management practices, strategic financial planning efforts, and the applicability of the Chief Financial Officers Act to its operations. Testimony was received from Dr. Bruce Carnes, Chief Financial Officer, Department of Homeland Security; Mr. Richard Berman, Assistant Inspector General for Audits, Office of Inspector General, Department of Homeland Security; the Honorable Linda Springer, Controller, Office of Federal Financial Management, Office of Management and Budget; and Ms. Michele Flournoy, Senior Adviser, International Security Program, Center

for Strategic and International Studies. This hearing was held to probe issues associated with H.R. 2886, the Department of Homeland Security Financial Accountability Act, and to prepare for the Committee's subsequent markup of the legislation (see Legislative Activities section on H.R. 2886).

As part of this oversight effort, on Thursday, May 6, 2004, the Committee held a hearing entitled "Progress in Addressing Management Challenges at the Department of Homeland Security." Testimony was received from the Honorable James M. Loy, Deputy Secretary, Department of Homeland Security. This hearing focused on strategic and operational issues facing DHS, including the Department's recently issued Strategic Plan and the development of its Future Years Homeland Security Plan. The hearing also examined the status of DHS efforts to integrate inherited information technology, financial, human resources, and procurement programs and systems. Proposals for restructuring and realigning the Department's management functions to achieve greater efficiency and effectiveness were also discussed.

On May 18, 2004, the Chairman of the Select Committee requested that the Government Accountability Office report to the Committee on the progress of the Department of Homeland Security with respect to management and integration. The Select Committee also requested information and recommendations on ways to strengthen and streamline the management functions of the Department.

Based on the oversight of the Committee and the subsequent report by GAO, the Committee identified several problems with the Department's management structure. To resolve some of these issues, the Committee developed legislation that would reassign management responsibility for the Department from the Under Secretary for Management to the Deputy Secretary and make other related changes. This legislation became part of the comprehensive Department of Homeland Security authorization bill, H.R. 4852.

SAFETY Act Implementation

Over the course of the 108th Congress, the Select Committee on Homeland Security took a lead role in monitoring the implementation of the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act), which was incorporated as sections 861–865 of the Homeland Security Act of 2002 (P.L. 107–296). The statute was designed to encourage the development and deployment of anti-terrorism technologies by limiting the potential liability risk to those selling or otherwise providing such products or services. In addition to creating an exclusive Federal cause of action for claims against sellers arising from an act of terrorism, the SAFETY Act eliminates liability for punitive damages in such instances, limits and apportions recovery of non-economic damages in terrorism cases, and matches the sellers' total liability following acts of terrorism with the limits of insurance coverage required to be maintained as a condition of SAFETY Act designation. Certification of anti-terrorism technologies under the statute also entitles the qualified seller of the new technology to the additional protections of the government contractor defense—a rebuttable presump-

tion that the product was manufactured according to accepted contract specifications.

On July 11, 2003, the Department of Homeland Security issued a proposed rule to implement the SAFETY Act, and the Department began accepting applications starting September 1, 2003. The Committee examined issues relating to the proposed rule and concerns raised about the type and amount of information the Department was requiring from applicants. The Committee also examined the reasons for the low application rates and the Department's timeliness in reviewing and certifying SAFETY Act technologies. This was carried out by Committee staff, along with staff from other relevant House committees, meeting with officials from the Department of Homeland Security Science and Technology Directorate on a number of occasions, including on January 13, 2004, March 26, 2004, and April 16, 2004, to discuss progress on SAFETY Act implementation. Committee staff also conducted a site visit to the SAFETY Act offices during this time period.

On May 11, 2004, the Chairmen of the Committee on the Judiciary, the Committee on Government Reform, and the Select Committee on Homeland Security sent a joint letter to the Secretary of Homeland Security expressing concerns about the Department's implementation of the SAFETY Act. The joint letter encouraged the Department to develop a process to prioritize applications for SAFETY Act designation and certification to ensure that critical technologies receive expedited treatment, and to defer whenever possible to the judgment of the procuring agency on the effectiveness of the technologies under review.

Consistent with the oversight efforts spearheaded by the Select Committee, the SAFETY Act Implementation Office revised its application process. The SAFETY Act Implementation Office also plans to issue revised regulations that provide for collaboration with government procurement offices to better tie SAFETY Act designation and certification to the acquisition process, and to ensure completion of reviews within the acquisition time lines imposed. Additionally, the SAFETY Act Implementation Office is performing further outreach to promote greater industry awareness and participation.

Information Sharing

During the 108th Congress, the Committee closely examined the status of efforts to improve information sharing activities within the Federal government in the post-September 11th environment, and reviewed various proposals for enhancing such activities. As part of this effort, on June 24, 2004, the Committee held a hearing entitled "Information Sharing After September 11: Perspectives on the Future." Testimony was received from the Honorable James Gilmore, Chair, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, and President, USA Secure; the Honorable R. James Woolsey, Former Director of Central Intelligence; and Ms. Zoë Baird, President, The Markle Foundation. The witnesses described alternative ways to further enhance information sharing, and discussed the challenges involved in such activities. The Committee held additional hearings on this topic as part of its review of the National Commission on

Terrorist Attacks Upon the United States (9/11 Commission) report and recommendations (see below).

In addition, on, March 26, 2004, Committee staff visited the Homeland Security Operations Center (HSOC) in Washington, D.C., which is operated by the Department of Homeland Security. Committee staff were briefed by the Director of the HSOC, who discussed the HSOC's daily intelligence and operational responsibilities, the HSOC composition, its information sharing connectivity, the Homeland Security Information Network (HSIN), and information technology systems being developed government-wide to improve information sharing.

9/11 Commission Report and Recommendations

The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) was an independent, bipartisan commission created by congressional legislation and chartered to examine the circumstances surrounding the September 11, 2001 terrorist attacks. The Commission was also required to provide recommendations designed to guard against future attacks. On July 22, 2004, the Commission released its public report and recommendations after holding numerous hearings, meetings, and discussions. On August 21, 2004, the Commission also released two staff monographs, "Terrorist Financing" and "9/11 and Terrorist Travel."

At the direction of Speaker Hastert, the Select Committee and other House committees held a series of hearings in August 2004 on the Commission's findings and recommendations. The Select Committee held four hearings—two full Committee hearings and two subcommittee hearings. The first hearing was a Full Committee hearing on August 17, 2004, entitled "9/11 Commission: Towards a Paradigm for Homeland Security Information Sharing." Testimony was received from the Honorable Thomas H. Kean, Chair, National Commission on Terrorist Attacks Upon the United States; the Honorable Lee H. Hamilton, Vice Chair, National Commission on Terrorist Attacks Upon the United States; the Honorable J. Cofer Black, Coordinator, Office of the Coordinator for Counterterrorism, Department of State; General Patrick Hughes, Assistant Secretary for Information Analysis, Department of Homeland Security; Mr. John Brennan, Director, Terrorist Threat Integration Center; and Ms. Maureen Baginski, Executive Assistant Director for Intelligence, Federal Bureau of Investigation.

On September 14, 2004, the full Committee held a second hearing, entitled "Homeland Security: The 9/11 Commission and the Course Ahead." Testimony was received from the Honorable Tom Ridge, Secretary, Department of Homeland Security. The hearing focused on the Department's response to the Commission's various recommendations and the relationship between the missions and activities of the Department and the proposed National Counterterrorism Center called for by the 9/11 Commission.

These hearings, as well as the two subcommittee hearings described later in this report, contributed to the development of legislative proposals by the Committee that were included within H.R. 10, the "9/11 Recommendations Implementation Act," as well as the final version of this legislation enacted into law (S. 2845).

Department of Defense Oversight

As part of the Committee's oversight of Department of Defense (DOD) activities relating to homeland security, Committee Members and staff visited and received briefings on the operations of NORAD/US NORTHCOM (North American Aerospace Defense Command/U.S. Northern Command), at their facilities at Cheyenne Mountain and Peterson Air Force Base, Colorado, on June 20, 2003. On February 28, 2004, Committee Members and staff visited the United States Southern Command (SOUTHCOM), and received a briefing on the operations of this center. In addition, on February 29, 2004, the Committee visited Guantánamo Bay, Republic of Cuba. While at Guantánamo Bay, the Committee visited Camp Delta, and examined the operations and security of the facility. (For additional information on DOD matters, see discussion of "Air-space Security" oversight.)

Federal Bureau of Investigation Oversight

As part of the Committee's oversight of Federal Bureau of Investigation (FBI) activities relating to homeland security, the Committee received several briefings and visited FBI headquarters to learn more about the FBI's counterterrorism activities. The Committee also actively oversaw the creation and progress of the Terrorist Screening Center, which is managed by the FBI (see discussion of Subcommittee on Intelligence and Counterterrorism activity).

Congressional Delegation on Foreign Progress in Combating Terrorism

From December 9 through December 19, 2003, Chairman Cox led a Congressional Delegation (CODEL) to the Kingdom of Spain, the Italian Republic, the Syrian Arab Republic, the State of Israel, and the Republic of Turkey. The CODEL served to exchange views with senior foreign leaders on our progress in preventing terrorism, in securing our countries against it, and in enhancing our response to any attacks that may occur; and to encourage even greater cooperation with our allies in the war on terrorism and in promoting homeland security.

Intelligence and Counterterrorism Within the United Kingdom

From May 24–28, 2004, Committee staff traveled to London, United Kingdom, to discuss counterterrorism and homeland security issues. While in London, Committee staff met with representatives of the British Security Service (MI-5); Ministry of Defence; Metropolitan Police; Home Office Terrorism and Protection Unit; Foreign and Commonwealth Office; Her Majesty's Customs and Excise Service; and the Cabinet Office (the lead government coordination entity). This staff visit laid the foundation for a subsequent Member-level delegation in August 2004 to the Great Britain, Northern Ireland, and the Republic of Ireland to explore how these governments handle terrorism and domestic security issues.

Homeland Security and Counterterrorism Within the Republic of Singapore

From December 6–12, 2004, Committee staff traveled to Singapore at the invitation of its government to discuss counterterrorism issues and homeland security practices. While in Singapore, staff met with senior representatives of Singapore’s Ministry of Foreign Affairs, Ministry of Home Affairs, and Ministry of Defense. In particular, extensive briefings were carried out by representatives of Singapore’s Immigration and Customs Agency, newly merged together as one government entity after September 11, 2001, to allow for more efficient and effective operations, on port security, and immigration and border security procedures. A visit was also made to Singapore’s Institute of Defence and Strategic Studies to more fully understand the past and current terrorist threat faced by Southeast Asian nations. Finally, the visit afforded Committee staff with the opportunity to meet with U.S. representatives from the Department of State and the Department of Homeland Security about ongoing homeland security programs in Singapore, to include CBP’s Container Security Initiative.

National Laboratories

Section 309(g) of the Homeland Security Act of 2002 (P.L. 107–296) gives the Science and Technology (S&T) Directorate of the Department of Homeland Security the authority to leverage the resources and assets of the National Laboratories of the Department of Energy in carrying out its homeland security mission. To assess both the capabilities that the National Labs are able to provide to DHS and to ascertain the concerns that the National Labs had in fully participating in the new Department, Committee staff conducted the oversight visits noted below.

- Lawrence Berkeley National Laboratory (September 18, 2003).
- Pacific Northwest National Laboratory (September 12, 2003).
- Oak Ridge National Laboratory (September 3, 2003).
- Argonne National Laboratory (September 2, 2003).
- Los Alamos National Laboratory (August 28, 2003).
- Lawrence Livermore National Laboratory (August 26, 2003).
- Brookhaven National Laboratory (August 21, 2003).

During these site visits, the Committee reviewed concerns of the Labs with respect to the Department’s proposed utilization of their resources and limitation imposed on their ability to contract with the Department. As a result of these discussions, and subsequent discussions between the Committee and DHS S&T officials, DHS revised its guidance to permit the labs the opportunity to be funded as “intramural” and “extramural” research programs.

U.S./European Cooperation

As part of the Committee’s efforts to review the progress in U.S./European cooperation in the War on Terrorism, Committee staff traveled in December 2004, to Brussels, within the Kingdom of Belgium, to meet with representatives from the Department of Homeland Security and the Department of State located in Europe, as well as members of the European Commission and the European Council. Committee staff were briefed by consular officials at the

U.S. Embassy in Brussels, and observed interviews and Automated Biometric Identification System (IDENT) fingerprint capture of visa applicants.

Staff met with representatives from the Transportation Security Administration (TSA) who discussed their role in Europe and described how they are currently working with European Union (EU) nations to expand security efforts to rail, pipeline and energy sources. Staff also met to discuss rail security issues with the European Commission Directorate for Energy and Transport.

Staff also traveled to the Port of Antwerp, Belgium, and met with the Container Security Initiative Team and Belgian cargo inspectors to discuss operations and ideas for improving efforts in this area.

Staff met with officials of the European Commission Directorate for Justice and Home Affairs (JHA) to discuss Europol/European arrest warrants, law enforcement cooperation, and counter-terrorism. Staff also met with the EU Council Secretariat to discuss framework legislation that harmonizes the laws of 20-plus EU working organizations. Staff discussed with these officials the Passenger Name Record (PNR) data sharing agreement that had just been negotiated with the U.S. and that will allow airlines to legally provide DHS access to PNR data originating within the EU. Staff also met with Department of Justice, Drug Enforcement Agency, Country Attaches, Brussels Country Office, to discuss the issue of the exportation and importation of illegal drugs in Belgium.

Critical Infrastructure Protection

The Committee actively examined the Department of Homeland Security's efforts to enhance critical infrastructure protection activities, with respect to both physical and cyber aspects of such infrastructures. As part of this effort, on June 21, 2003, Committee Members toured the San Onofre Nuclear Power Plant in California, and was briefed on plant security and operations. Committee Members also visited, on February 29, 2004, the HOVANSA oil refinery in Christiansted, St. Croix, U.S. Virgin Islands. Members examined the facilities and were briefed on upgraded security procedures.

On May 4, 2004, Committee staff, along with staff from the Energy & Commerce Committee, traveled to the Louisiana Offshore Oil Platform (LOOP) at the Port of New Orleans. The LOOP consists of an offshore deep-water platform and on-shore pipeline and storage facilities. The LOOP is the only U.S. facility capable of off-loading deep draft tankers known as Ultra Large Crude Carriers (ULCC) and Very Large Crude Carriers (VLCC), and is the single largest entity for off-loading foreign oil. Staff participated in an extensive tour of the platform and on-shore facilities. Security recommendations from the U.S. Coast Guard, the Federal Bureau of Investigation, and others were discussed.

The New Orleans visit also included meetings with the U.S. Coast Guard, the U.S. Department of Energy, and DHS' Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) units. The Coast Guard briefed Committee staff on the protection of the Port of New Orleans, Louisiana, which included a tour of the Vessel Traffic Center and extensive briefings on the security guidelines for marine transportation and maritime

critical infrastructure and key assets, the security and vulnerability of vessels and facilities, the Marine Transportation Security Act, and the International Port Facility Security (ISPS) Code.

Committee staff met with the Department of Energy for a briefing on the Strategic Petroleum Reserve (SPRO), Gulf Coast storage, security and emergency operations, and associated preparedness, counterintelligence, and counterterrorism activities.

Also in May 2004, Committee traveled to Houston, Texas to meet with the Coast Guard, the Houston Port Authority, and representatives of ExxonMobil and Shell Deer Park to discuss efforts to secure the critical Houston shipping channel. Coast Guard officials briefed Committee staff on their efforts in Houston, which included a tour of the Port of Houston and the Vessel Traffic Service. The Committee discussed at length with the Coast Guard issues relating to heightened alert levels and various security operations being conducted. Committee staff also met with security officials of ExxonMobil Refinery in Baytown, Texas. This included a tour of the plant where staff reviewed both chemical and refinery processes and facilities. Staff further discussed ExxonMobil's security and terrorism preparation. The staff then met with security officials of the Shell plant at Deer Park, Texas, which included a tour of the chemical and refinery facilities and security operations.

In December 2004, Committee staff visited the Port Authority of New York and New Jersey for three days of activities relating to critical infrastructure protection in this area. Committee staff reviewed protective measures at bridges, tunnels, subways, and other transportation networks and Port Authority facilities. Committee staff then conducted site security reviews at three high-risk chemical plants in New Jersey, over the course of two days.

For more information relating to the Committee's activities in this area, see the Subcommittee on Infrastructure and Border Security oversight section.

FULL COMMITTEE HEARINGS HELD

H.R. 1416, To make technical corrections to the Homeland Security Act of 2002; Homeland Security Technical Corrections Act of 2003. Hearing held March 28, 2003. PRINTED, Serial No. 108-2.

BioShield: Countering the Bioterrorist Threat. Hearing held May 15, 2003. PRINTED, Serial No. 108-3.

How is America Safer? A Progress Report on the Department of Homeland Security. Hearing held May 20 and 22, 2003. PRINTED, Serial No. 108-6.

BioShield: Lessons from Current Efforts to Develop Bio-Warfare Countermeasures. Hearing held June 6, 2003. PRINTED, Serial No. 108-9.

America's Response to Terrorism: How Is the Department of Homeland Security Improving Our Capabilities. Hearing held June 19, 2003. PRINTED, Serial No. 108-11.

Protecting Our Commerce: Enhancing the Security of America's Ports. Hearing held June 21, 2003. PRINTED, Serial No. 108-12.

Assessment of Department of Homeland Security Initiatives to Secure America's Borders. Hearing held June 25, 2003. PRINTED, Serial No. 108-14.

First Responders: How States, Localities, and the Federal Government Are Working Together to Make America Safer. Hearing held July 17, 2003. PRINTED, Serial No. 108–17.

The Terrorist Threat Integration Center (TTIC) and Its Relationship with the Departments of Justice and Homeland Security. Joint hearing with the Committee on the Judiciary. Hearing held July 22, 2003. PRINTED, Serial No. 108–19 (Printed by the Committee on the Judiciary Serial No. 64).

Perspectives on 9–11: Building Effectively from Hard Lessons. Hearing held September 10, 2003. PRINTED, Serial No. 108–25.

Identification Documents Fraud and the Implications for Homeland Security. Hearing held October 1, 2003. PRINTED, 108–28.

H.R. 2886, To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes. Department of Homeland Security Financial Accountability Act. Hearing held October 8, 2004. PRINTED, Serial No. 108–29.

Funding for First Responders: Ensuing That Federal Funds are Distributed Intelligently. Hearing held October 21, 2003. PRINTED, Serial No. 108–32.

The Homeland Security Advisory System: Improving Preparedness through Effective Warning. Hearing held February 4, 2004. PRINTED, Serial No. 108–35.

The Department of Homeland Security's Proposed Fiscal Year 2005 Budget. Hearing held February 12, 2004. PRINTED, Serial No. 108–36.

Progress in Addressing Management Challenges at the Department of Homeland Security. Hearing held May 6, 2004. PRINTED, Serial No. 108–48.

Towards a National Biodefense Strategy. Hearing held June 3, 2004. PRINTED, Serial No. 108–50).

Information Sharing After September 11: Perspectives on the Future. Hearing held June 24, 2004. PRINTED, Serial No. 108–52.

Practice Makes Perfect: Strengthening Homeland Security by Exercising Terrorism Scenarios. Hearing held July 8, 2004. PRINTED, Serial No. 108–53.

9/11 Commission: Towards a Paradigm for Homeland Security Information Sharing. Hearing held August 17, 2004. PRINTED, Serial No. 108–55.

Homeland Security: The 9/11 Commission and the Course Ahead. Hearing held September 14, 2004. PRINTED, Serial No. 108–56.

Combating Terrorism: The Role of Broadcast Media. Hearing held September 15, 2004. PRINTED, Serial No. 108–57.

SUBCOMMITTEE ON INFRASTRUCTURE AND BORDER SECURITY

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MARK SOUDER, Indiana	KENDRICK B. MEEK, Florida
JOHN SWEENEY, New York	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: border security including prevention of importation of illicit weapons, pathogens, narcotics, and other contraband; illegal entry by foreign nationals; land borders, ports, and airspace; integration of federal, state, and local immigration law enforcement; protection of highways, bridges, waterways, airports and air transportation, energy supplies, and other critical infrastructure from attack; preservation of critical government, business, and financial institutions; relevant oversight.

The Subcommittee on Infrastructure and Border Security held a total of 15 oversight hearings during the 108th Congress and received testimony from 63 witnesses. These hearings and the Subcommittee's oversight in general focused on (1) maximizing the Department's border and transportation security capabilities and resources by improving the coordination and integration of the numerous legacy agencies and functions that were transferred into the new Department; and (2) improving the public-private partnership to enhance critical infrastructure protection efforts. The Subcommittee's oversight has supported legislative efforts, as well as administrative actions by DHS, to further both of these goals.

Coordination and Integration of Border Security Functions

The Homeland Security Act of 2002 (P.L. 107-296) transferred several border and transportation security agencies to the Department of Homeland Security, consolidating them in the Border and Transportation Security Directorate. The Act charged this new Directorate with securing the borders, territorial waters, terminals, waterways, and air, land and sea transportation systems of the United States, and managing the nation's ports of entry. Within the Directorate, two new bureaus were established by administrative action, further realigning border management and security functions: U.S. Customs and Border Protection (CBP) merged the Customs Service's commercial operations and inspection programs, the Immigration and Nationality Service (INS) immigration inspection and Border Patrol programs, and the Department of Agriculture quarantine and inspection programs; and U.S. Immigration and Customs Enforcement (ICE) consolidated legacy customs and

immigration investigation programs, the Office of Air and Marine Operations (this unit was later moved into CBP), the INS detention and removal program, the Federal Protective Service, and the Federal Air Marshal Service (which was transferred from TSA).

During the 108th Congress, the Subcommittee conducted oversight of the transfer and consolidation of these legacy agencies into the Department, with special focus on ensuring that trade and travel continued without major delays and that security functions were not hampered during the transition. The Subcommittee also reviewed the Department of Homeland Security's Strategic Plan, which was released on February 24, 2004, and identifies broad objectives to guide the Border and Transportation Security (BTS) Directorate's organizational and operational progress in the coming years. In particular, the Subcommittee focused on the strategic integration of the various BTS agencies and functions, such as integrating border surveillance and interdiction among ICE and CBP, and with the Coast Guard; coordinating port security efforts among CBP, ICE, TSA, and the Coast Guard; developing a consolidated BTS acquisition program; and integrating data collection, access, and sharing by the BTS line agencies (as well as the U.S. Citizen and Immigration Services and other Departmental components).

As part of this oversight effort, on October 16, 2003, the Subcommittee on Infrastructure and Border Security held a hearing entitled "Plugging the Gaps in Border Security: the One Face at the Border Initiative." The hearing explored the impact of border security integration and, specifically, the Department's new "One Face at the Border" initiative. The hearing examined the potential impact of this initiative with respect to both border security and improving the flow of trade and commerce across U.S. borders. Testimony was received from: the Honorable Robert Bonner, Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Tom Keefe, President, National Treasury Employees Union, Local 137; Mr. Tom Kuhn, President, American Federation of Government Employees Union, Local 2580; and Mr. Bill Pauli, President, California Farm Bureau Federation.

In addition, on June 15, 2004, the Subcommittee on Infrastructure and Border Security held a hearing entitled "Protecting the Homeland: Building a Layered and Coordinated Approach to Border Security." Testimony was received from: Mr. Victor X. Cerda, Acting Director of Detention and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Chief David Aguilar, Tucson Sector Border Patrol Chief, U.S. Customs and Border Protection, Department of Homeland Security; Dr. James Carafano, Senior Research Fellow, Defense and Homeland Security, the Heritage Foundation; Mr. Randel K. Johnson, the United States Chamber of Commerce and Americans for Better Borders; Mr. T.J. Bonner, President, National Border Control Council; and Mr. Sergio Ugazao, Secretary, Local 1944 National INC Council, American Federation of Government Employees. The hearing examined the level of cooperation within the Department of Homeland Security in preventing terrorists and others from entering the United States illegally. The hearing emphasized, in particular, information-sharing capabilities and the use of technology to enhance border management and security.

Northern Border Security

The Subcommittee closely reviewed efforts to improve security on the Northern border of the United States, while also facilitating commerce and ease of travel between the U.S. and Canada. The Subcommittee examined the implementation of the December 12, 2001 U.S.-Canada Joint Declaration on a Smart Border, a 30-point action plan aimed at strengthening security and making the transit of goods and people more efficient and less time consuming. The Subcommittee also was particularly interested in efforts to prevent or detect the smuggling of high-potency marijuana and methamphetamine precursor chemicals from Canada, particularly since such smugglers have been linked to Middle Eastern groups that may have ties to terrorist organizations. In addition, the potential for terrorists to unlawfully enter the U.S. across the Northern border was of particular concern. The Subcommittee reviewed Federal efforts to respond to these vulnerabilities, which included doubling the number of Border Patrol agents in the Buffalo, New York, sector, adding Customs and immigration inspectors at the local ports of entry, expanding Coast Guard patrols of sensitive maritime areas, adding new surveillance equipment, and tightening border crossing regulations. The Subcommittee also reviewed how the increased security at the legal ports of entry could slow commerce and negatively impact both the regional and the national economy.

As part of this effort, on May 19, 2003, the Subcommittee on Infrastructure and Border Security held a joint field hearing with the Committee on Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, entitled, "Northern Border Security." This hearing provided an opportunity for regional representatives from the principal agencies entrusted with the security of the Northern border, Members of the Canadian Parliament, and concerned citizens to discuss these issues and suggest solutions. This hearing focused particular attention on the effectiveness and coordination of the Federal law enforcement agencies entrusted with protecting and administering our Nation's border crossings, coastlines, and ports of entry. Testimony was received from: Mr. Michael P. D'Ambrosio, Interim Director, Field Operations, Buffalo Field Office, Bureau of Customs and Border Protection; CDR Paul M. Gugg, Commanding Officer, Marine Safety Office, Buffalo, New York, U.S. Coast Guard; Mr. Peter R. Moran, Chief Patrol Agent, Buffalo Sector, U.S. Border Patrol, Bureau of Customs and Border Protection; Mr. William J. Walker, Associate Special Agent in Charge, New York Field Division, Drug Enforcement Administration; Mr. Derek Lee, Member of Parliament, House of Commons (Canada); Mr. John Maloney, Member of Parliament, House of Commons (Canada); the Honorable Thomas A. Beilein, Sheriff, Niagara County Sheriff's Department; Mr. Russell J. Deveso, Chairman, New York State Motor Trucking Association; Mr. Kevin Feely, President, Chapter 154, National Treasury Employees Union; Ms. Dawn Hamilton, Director of Strategic Planning, WNED; Mr. Stephen F. Mayer, General Manager-Operations, Buffalo and Fort Erie Public Bridge Authority; and Dr. Andrew Rudnick, President, Buffalo Niagara Partnership.

In addition, on July 28, 2003, Members of the Subcommittee on Infrastructure and Border Security conducted a site visit to Detroit, Michigan, where they were briefed by U.S. Customs and Border Protection (CBP) officials on the 30-Point Smart Border Action Plan, and toured key border crossings such as the Ambassador Bridge and Detroit/Windsor tunnel.

The Subcommittee's oversight on this topic supported the development of two legislative provisions seeking to expedite security inspections for low-risk travelers and merchandise, which were incorporated into H.R. 4852, a bill to authorize appropriations for the Department of Homeland Security for Fiscal Year 2005. The provisions sought to expand and provide incentives for participation in expedited inspection programs, such as Free and Secure Trade (FAST), Customs-Trade Partnership Against Terrorism (C-TPAT), NEXUS, and Secure Electronic Network for Travelers Rapid Inspection (SENTRI), which facilitate legitimate trade and commerce while permitting heightened focus on higher-risk cross-border activity.

Balancing Security and Commerce

In addition to the other activity described in this section, the Subcommittee held two hearings that focused specifically on the issue of balancing security and commerce, a mission expressly given to the new Department of Homeland Security under the Homeland Security Act of 2002 (P.L. 107-296). On June 16, 2003, the Subcommittee on Infrastructure and Border Security held a hearing entitled "Balancing Security and Commerce." Testimony was received from: the Honorable Robert Bonner, Commissioner, U.S. Customs and Border Protection (CBP), U.S. Department of Homeland Security; and Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office. This hearing focused primarily on how the creation of CBP has impacted security programs and the flow of commerce.

Moreover, on July 23, 2003, the Subcommittee on Infrastructure and Border Security held a hearing entitled "Best Business Practices in Securing America's Borders." Testimony was received from: Mr. Richard Stephens, Vice President and General Manager, Homeland Security and Services, the Boeing Company; Captain Houssam Salloum, President and Chief Executive Officer, Axiolog; Dr. Scott W. Gould, President and CEO, the O'Gara Company; and Mr. Jeffrey Katz, Vice President, Marketing, ATMEL. This hearing focused on the private sector's perspective on balancing security and ensuring the free flow of commerce. The hearing also examined the impact of cross-border agreements, such as the Smart Border Plan between the U.S. and Canada, on legitimate trade and commerce.

In addition to these hearings, the Subcommittee also reviewed DHS efforts to implement the Trade Act of 2002 (P.L. 107-210), with respect to advance reporting of cargo manifests for all modes of transportation entering the United States. As part of this effort, on August 19, 2003, the Chairman of the Subcommittee on Infrastructure and Border Security sent a letter to the Secretary of the Department of Homeland Security regarding the Department's pro-

posed plans in this area and their potential impact on legitimate trade and commerce.

The US-VISIT Program

The Subcommittee conducted extensive oversight of the US-VISIT Program (United States Visitor and Immigrant Status Indicator Technology Program) during the 108th Congress. The Subcommittee received at least eight briefings by Department of Homeland Security officials on all aspects of the program, and conducted site visits to review the program's implementation at the Baltimore-Washington International Airport, Baltimore, Maryland; the Dulles International Airport, Dulles, Virginia; and the Hartsfield International Airport, Atlanta, Georgia. Members of the Subcommittee also reviewed its implementation during a site visit in late February 2004, to the Miami International Airport, Miami, Florida. The Subcommittee also focused on the expected deployment of the system to large-volume land border crossings by the end of 2004, and the potential impact of such deployment on legitimate trade and commerce.

As part of this oversight effort, the Subcommittee held a hearing on January 28, 2004, entitled "Integrity and Security at the Border: The US-VISIT Program." Testimony at the hearing was received from: the Honorable Asa Hutchinson, Undersecretary for Border and Transportation Security, Department of Homeland Security; the Honorable Maura Harty, Assistant Secretary, Bureau of Consular Affairs, Department of State; Mr. James May, President & CEO, Air Transport Association; Mr. Dennis Carlton, Director of Washington Operations, International Biometric Group; and Ms. Kathleen Campbell Walker, testifying on behalf of the American Immigration Lawyers Association and Foreign Trade Association, Inc.

The hearing explored the implementation of the US-VISIT program and complementary border security initiatives. In particular, the hearing examined the following issues: the progress of the US-VISIT program and future implementation deadlines, particularly for land border crossings; the State Department's role in visa applications, equipping consular offices with machines to capture biometrics, and the status of efforts by foreign countries to enhance passport biometrics; the integration, security, and reliability of criminal, immigration, and terrorist databases used by the US-VISIT program; the uses and challenges of various biometric technologies; and the potential impacts of the US-VISIT program on border security, commerce and travel, and personal privacy.

The Subcommittee also examined several other issues relating to the US-VISIT program during the 108th Congress, including the Department's decision to initially exempt from the US-VISIT system visitors to the United States from Visa Waiver Program countries, and its subsequent decision to enroll such visitors into the system starting in September 2004. In addition, the Subcommittee reviewed concerns about the database that will be created from the capture of biometric and biographic data from foreign nationals, including concerns such as how the data will be secured, how long it will be stored, and what agencies will have access to the information.

As part of the Subcommittee's continuing oversight efforts in this area, the Chairman and Ranking Member of the Full Committee sent a letter dated September 17, 2004, to the Comptroller General of the United States requesting that the Government Accountability Office update its review of the US-VISIT program, to include an overall assessment of program management and contractor responsibilities, implementation at ports of entry, program metrics, technology used in building and employing the system, and the primary risks facing the program and the Department of Homeland Security's efforts to mitigate them.

Radiological and Nuclear Detection

On September 25, 2003, the Subcommittee on Infrastructure and Border Security received a joint briefing with the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Emergency Preparedness and Response on "Radiological and Nuclear Detection: Is Science Saving the Day?" Representatives from the Department of Homeland Security, the Department of Energy's National Laboratories, and the Port Authority of New York and New Jersey briefed Members and staff on technological advancements and application in detection of radiological and nuclear components. The briefing was presented by Dr. Maureen McCarthy, Director, Office of Research and Development, Science and Technology Directorate, Department of Homeland Security; Mr. Ray Vitkus, Group Leader of Nonproliferation and International Technology Group, Los Alamos National Laboratory; Dr. Page Stoutland, Program Leader, Radiological and Nuclear Countermeasures, Lawrence Livermore National Laboratory; and Mr. Brian Lacey, Office of Operations and Emergency Management, the Port Authority of New York and New Jersey.

Budgetary Oversight

As part of the Subcommittee's oversight of the proposed budgets and plans for the Department of Homeland Security, the Subcommittee held a hearing on March 4, 2004, with the Subcommittee on Intelligence and Counterterrorism, entitled "The Department of Homeland Security's Information Analysis and Infrastructure Protection Budget Proposal for Fiscal Year 2005." Testimony was received from the Honorable Frank Libutti, Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security. The hearing reviewed the President's proposed Fiscal Year 2005 budget plans and authorization needs for the Information Analysis and Infrastructure Protection Directorate (IAIP), to ensure that the Department is making optimal progress in fulfilling its infrastructure protection responsibilities under the Homeland Security Act of 2002 (P.L. 107-296).

The Subcommittee also performed oversight of the Border and Transportation Security Directorate's proposed Fiscal Year 2005 budget through a series of briefings on the budget request with each component and agency of the Directorate. The Subcommittee then held a March 17, 2004 hearing entitled "The Department of Homeland Security's Border and Transportation Security (BTS) Budget Proposal for Fiscal Year 2005." The Subcommittee received

testimony from the Honorable Asa Hutchinson, Under Secretary for Border and Transportation Secretary, Department of Homeland Security.

In addition to these hearings, the Subcommittee also reviewed budgetary issues relating the transfer of legacy border agencies into the Department of Homeland Security, which required consolidating their budgets and reallocating resources within the new organizational structure. In particular, Committee staff received several briefings regarding budgetary issues involving the transfer of resources to the U.S. Immigration and Customs Enforcement (ICE) from U.S. Customs and Border Protection (CBP). The briefings reviewed how the legacy budgets were divided among the new agencies, how reimbursements agreements were established for shared services, and how complications with these efforts led to financial management problems for ICE.

Maritime and Port Security

As part of the Committee's oversight efforts in this area, the Subcommittee closely examined the coordination and integration of the Department's maritime and port security activities through a series of staff-level briefings and one hearing. On May 5, 2004, the Subcommittee on Infrastructure and Border Security held a hearing entitled "Maritime Security Operations within the Department of Homeland Security." Testimony was received from: Rear Admiral David S. Belz, Assistant Commandant for Operations, U.S. Coast Guard, Department of Homeland Security; Mr. Charles E. Stallworth, II, Director of the Office of Air and Marine Operations, Bureau of Immigrations and Customs Enforcement (ICE), Department of Homeland Security; Mr. Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, Bureau of Customs and Border Protection (CBP), Department of Homeland Security; and Mr. Tom Blank, Assistant Administrator for Policy, Transportation Security Administration (TSA), Department of Homeland Security.

The hearing examined maritime security operations within the Department of Homeland Security, the Department's progress in developing a layered maritime security strategy, and how Department agencies, including the Coast Guard, CBP, ICE, and TSA, are coordinating and taking steps to integrate their maritime and port security activities. In particular, the Subcommittee highlighted areas where improved coordination and integration could be beneficial, such as intelligence, targeting, surveillance, asset acquisition and maintenance, training, and interoperability.

The Subcommittee's oversight in this area supported efforts by the Full Committee to develop legislative proposals to improve the integration and coordination of maritime and other border security assets within the Department, and the sharing of intelligence, law enforcement, and other homeland security information between and among Departmental units. On July 19, 2004, the Chairman of the Select Committee introduced H.R. 4852, the Department of Homeland Security Authorization Act for Fiscal Year 2005. Section 601 of H.R. 4852 was crafted to address the need to improve integration of maritime security activities in the Department, and called for the Department to develop and implement a plan to coordinate the deployment of the maritime and airborne assets of the Directorate

of Border and Transportation Security, coordinate the fleet modernization and maintenance plans for such assets, develop interoperable communication systems among all Department maritime and airborne assets, and enhance the sharing of information relating to vessels, crew, passengers, cargo, and cargo shippers among the appropriate elements of the Department. This section also required the Department to explore enhanced coordination between the maritime and airborne assets within the Border and Transportation Security Directorate and those of the U.S. Coast Guard. A modified version of this provision was passed by the House as part of H.R. 10, the “9/11 Recommendations Implementation Act,” but was subsequently removed during House-Senate Conference negotiations.

Consistent with the Subcommittee’s oversight efforts, an announcement by the Under Secretary for Border and Transportation Security on October 31, 2004, that the Office of Air and Marine Operations (AMO) had been transferred from Immigration and Customs Enforcement to Customs and Border Protection, in an effort to better integrate air and marine law enforcement personnel, missions, facilities, and assets, including acquisition and recapitalization projects. In addition, the Department is in the process of completing new memorandums of understanding between different legacy agencies to further streamline and coordinate efforts and to properly reflect the Department’s structure and new missions.

Immigration Enforcement Efforts

During the 108th Congress, the Subcommittee examined several issues relating to the immigration enforcement efforts of the Department of Homeland Security. The Subcommittee examined whether the Benefits Fraud Unit within the U.S. Citizenship and Immigration Services unit is being fully utilized to help fulfill the Department’s homeland security mission. The Subcommittee reviewed efforts to improve coordination with Federal, State and local governments, and conducted oversight of “Operation Predator”—an initiative coordinated by the Department’s Immigration and Customs Enforcement (ICE) bureau and designed to protect young people from alien smugglers, human traffickers, child pornographers, and other predatory criminals.

The Subcommittee also focused its oversight on the operations of ICE’s Law Enforcement Support Center (LESC). On May 7, 2004, Committee staff conducted a site visit to the LESC located in South Burlington, Vermont. The LESC serves as a national law enforcement operations center by providing timely immigration status and identity information to Federal, State, and local law enforcement agencies on aliens suspected, arrested, or convicted of criminal activity, utilizing eight different databases. Committee staff viewed a demonstration of how the Immigration Alien Queries or IAQs are received and handled by the LESC from Federal, State and local law enforcement officers in the field, typically during a traffic stop. Moreover, staff examined the access to and use of the LESC databases by other elements of the Department of Homeland Security, and the coordination of such information within the Department.

The Subcommittee also reviewed the U.S. Customs and Border Protection’s Immigration Advisory Program (IAP) (previously

known as the Immigration Security Initiative). Under this program, the Department of Homeland Security (DHS) has deployed employees to airports in Amsterdam, Netherlands, and Warsaw, Poland. The primary focus of IAP is to review admissibility of passengers to the United States, identify those that will be denied entry, identify those individuals that may pose a risk, and provide recommendations to the airline carrier to prevent ineligible passengers from boarding planes bound for the United States. The Subcommittee examined the benefits of this program in terms of airline and border security, as well as with respect to its financial cost savings.

In addition, staff conducted oversight relating to the lack of sufficient detention space for illegal aliens awaiting hearings, deportation, or other administrative processes, particularly Other Than Mexicans (OTMs) captured attempting to cross the U.S. Southern border. The lack of detention space forced ICE to release these aliens into the U.S. while they awaited further proceedings, most of whom would not return. Based on this oversight, the Subcommittee and Full Committee worked with other relevant House Committees to enact into law—as part of S. 2845, the “Intelligence Reform and Terrorism Prevention Act of 2004”—a provision that would significantly increase the authorized levels of detention space.

Transportation Security Administration

During the 108th Congress, the Subcommittee evaluated several management issues relating to the Transportation Security Administration’s operations and activities. On May 12, 2004, the Subcommittee on Infrastructure and Border Security held a hearing entitled “The Transportation Security Administration’s Progress in Enhancing Homeland Security.” Testimony was received from Mr. Stephen J. McHale, Deputy Administrator, Transportation Security Administration (TSA), Department of Homeland Security.

The hearing examined whether the Transportation Security Administration (TSA) approach to aviation security, which is a Federalized, regulatory model, was achieving the desired results, and whether such an approach makes sense for other modes of transportation, such as rail and mass transit. The hearing also reviewed TSA’s generic transportation security authorities beyond aviation security, and whether there is a need for additional clarity of TSA’s mission within DHS, within the broader Federal government, and for State, local, and private sector partners. As part of this examination, the Subcommittee also focused upon the future organizational structure and mission of the agency to assess whether TSA should continue to operate as a distinct entity within the Department of Homeland Security.

In addition to this hearing, the Subcommittee examined several reports and/or received briefings from the Department’s Inspector General, the Government Accountability Office, and the consulting firm Bearing Point (under contract to TSA) that identified a number of significant challenges facing TSA’s screener program. Such challenges include ongoing screener performance and training problems, and TSA’s management of the private screener pilot programs mandated by Federal law. Section 108 of the Aviation and

Transportation Security Act of 2001 (P.L. 107–71) provides that airports may apply to opt-out of the Federal screener program, and instead hire private firms to carry out passenger and baggage screening beginning in November 2004. The Subcommittee examined whether TSA may be unduly restricting the ability of the private contractors running these pilot programs to implement innovative methods and solutions for screening of passengers and baggage. The Subcommittee also reviewed TSA’s plans to deal with both the reported problems and the development of an airport “opt-out” system that maintained adequate levels of security.

Air Cargo Security

During the 108th Congress, the Subcommittee actively reviewed efforts by Transportation Security Administration (TSA) to meet the Aviation and Transportation Security Act of 2001 (P.L. 107–71) (ATSA) mandate of instituting security measures for transporting air cargo. In December 2003 and January 2004, and periodically thereafter, Committee staff held meetings with representatives from TSA’s Office of Transportation Security Policy Office to review the air cargo security program under development. In addition, Committee staff visited John F. Kennedy International Airport, in Jamaica, New York, on April 23, 2004, to assess the effectiveness of air cargo screening operations, including the technology being utilized for screening air cargo.

Through its oversight, the Subcommittee sought to assess whether TSA’s emphasis on risk-based assessments through development of a targeting system, expansion of the Known Shipper Program, and inspection of 100 percent of high-risk cargo, among other TSA initiatives, was adequate to reduce the danger posed by the carrying of air cargo on passenger flights. In addition, the Subcommittee examined other security measures that TSA was undertaking to secure all-cargo aircraft operations. These measures focused on securing the aircraft from unauthorized access to prevent the use of the plane as a weapon, which is the primary threat in this environment.

As part of this oversight effort, on March 16, 2004, Members of the Select Committee and the Committee on Government Reform sent a joint letter to the Government Accountability Office requesting a review of the vulnerabilities in commercial aviation. The Committees specifically requested a review of methods for strengthening air cargo security; the capabilities of existing technology for air cargo screening; foreign government actions on air cargo security; and the efforts of TSA, other Department of Homeland Security components, and the private sector in enhancing air cargo security.

Passenger and Baggage Screening

The Subcommittee emphasized oversight on the passenger and baggage screening operations at commercial airports during the 108th Congress, to ensure that the Transportation Security Administration (TSA) fully carries out these important aviation security mandates of the Aviation and Transportation Security Act (P.L. 107–71). This Act charged TSA with screening commercial airline

passengers and their baggage to detect dangerous items and prevent such items from being smuggled on board aircraft. Passenger and baggage screening involve the use of human screeners and technology to examine airline passengers and their baggage for threat items, as well as the use of intelligence to assess the risk that travelers may pose to aviation security. Screening of airline passengers and their baggage are conducted for both domestic and international air travelers, the latter of which requires cooperation among various Department of Homeland Security components, the Justice and State Departments, air carriers, and foreign governments. The Subcommittee examined the level of coordination between and among these entities, particularly with respect to intelligence and information sharing, and screening systems and databases.

The Subcommittee also examined the adequacy of screening procedures and the technology employed by TSA for passenger and baggage screening, as well as screener performance and other related issues. As part of this effort, Committee staff visited John F. Kennedy International Airport, in Jamaica, New York, on April 23, 2004, to observe passenger and baggage screening operations. Committee staff also traveled to Australia from August 20 through 28, 2004, to gain insight into that country's border and transportation systems. While in Australia, Committee staff met with representatives from the Australian Department of Immigration and Multicultural and Indigenous Affairs to examine that country's advance passenger pre-screening system, which is integrated with its border security agencies. Meetings were also held with representatives of the Foreign Ministry, Transportation (airline) Ministry, and New South Wales Police Department to discuss counterterrorism issues.

In addition, the Subcommittee examined research and development activities relating to next-generation airline screening technologies that could improve passenger and baggage screening. Committee staff visited the Department of Homeland Security's Transportation Security Lab (TSL) located at the Atlantic City International Airport on September 2, 2004, and were briefed on TSA's progress in developing explosives detection technology for passenger and baggage screening. Staff also reviewed other transportation security technologies under development at the TSL. On September 22, 2004, TSA announced new "pat-down" screening procedures for all airline passengers undergoing secondary inspection. In response to traveler complaints about the intrusive nature of these searches, the Subcommittee Chairman sent a letter to the Secretary of the Department of Homeland Security on December 1, 2004, requesting a review of the new screening procedures. Consistent with this action, TSA announced revisions to the procedures that partially addressed these concerns.

Federal Air Marshal Service

The Department of Homeland Security employs a layered system for ensuring aviation security, an important component of which is the Federal Air Marshal Service (FAMS). FAMS deploys thousands of officers on domestic and international flights annually to prevent hijackings and terrorist incidents and to protect passengers and flight crews should hijackings or terrorist incidents occur. During

the 108th Congress, the Subcommittee actively reviewed issues relating to FAMS and the use of other Federal law enforcement officials traveling on commercial airline flights to supplement FAMS. The Subcommittee also examined issues relating to FAMS training, requirements on foreign carriers to employ FAMS on flights entering the U.S. upon request, and the development of a law enforcement credentialing and tracking system for armed personnel boarding flights.

As part of this oversight, Committee staff visited the FAMS' Mission Operations Center in Herndon, Virginia, as well as the Transportation Security Administration's (TSA) Transportation Security Operations Center, on May 7, 2004. Staff were briefed by FAMS and TSA personnel, toured both facilities, and observed TSA and FAMS operational planning and technology. In addition, on September 2, 2004, Committee staff visited the FAMS Training Center in Atlantic City, New Jersey. Staff toured the facilities and participated in demonstrations to gain an understanding of FAMS training. Committee staff also met with the Department of Homeland Security's Office of Inspector General (OIG) on September 8, 2004, to examine the findings of an evaluation of FAMS conducted by the OIG.

Drugs and Security

During the 108th Congress, the Subcommittee examined the coordination of the counternarcotics mission within the Department of Homeland Security, and its integration with the other homeland security missions of the Department. As part of this effort, on July 22, 2004, the Subcommittee on Infrastructure and Border Security and the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, held a joint hearing entitled "Drugs and Security in a Post-9/11 World: Coordinating the Counternarcotics Mission at the Department of Homeland Security." Testimony was received from the Honorable Robert Bonner, Commissioner, U.S. Customs and Border Protection (CBP), Department of Homeland Security; ADM Thomas H. Collins, Commandant, U.S. Coast Guard, Department of Homeland Security; the Honorable Michael J. Garcia, Assistant Secretary, U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security; and Mr. Roger Mackin, Counternarcotics Officer, Department of Homeland Security.

The hearing examined how well various Department of Homeland Security agencies are performing their counternarcotics mission. The Homeland Security Act of 2002 merged several agencies with counternarcotics missions into the Department of Homeland Security: the U.S. Border Patrol, U.S. Customs, and the U.S. Coast Guard. The Subcommittee examined the link between illegal narcotics smuggling and other homeland security threats, and focused on the need to maintain the performance of this traditional mission while enhancing our efforts to prevent terrorism. The hearing also highlighted some key areas where improved coordination and mission integration among Department agencies would benefit both missions, particularly with respect to the surveillance and interdiction functions of ICE, CBP, and the U.S. Coast Guard.

As part of H.R. 10, the “9/11 Recommendations Implementation Act,” the Committee majority staff worked closely with the staff of the Criminal Justice, Drug Policy and Human Resources Subcommittee of the Committee on Government Reform to craft sections 5025 (Responsibilities of the Counternarcotics Office) and section 5026 (Use of Counternarcotics Enforcement Activities in Certain Employee Performance Appraisals). These sections were designed to address the need to improve coordination and focus on the counternarcotics mission within DHS, a problem highlighted by the joint Subcommittee hearing on July 22, 2004. Section 5025 gives more power to the Counternarcotics Officer by elevating it to a Presidentially appointed position, assigning budget review authority, and by delineating specific responsibilities. Section 5026 calls for the inclusion of counternarcotics accomplishments in certain employee evaluations. This section was intended to improve accountability among DHS agents involved in counternarcotics enforcement. H.R. 10 passed the House on October 8, 2004, and the provisions were included in S. 2845, as passed by the House and agreed to by the House-Senate Conferees.

Terrorist Travel

As part of the Committee’s oversight of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) report and recommendations, the Subcommittee closely reviewed the efforts of the Department of Homeland Security and other relevant Federal entities to combat terrorist travel. Committee staff conducted numerous site visits to and received briefings from the relevant agencies during August and September 2004. Staff visited the DHS Forensic Document Lab (FDL), and the United States Secret Service Forensic Lab to examine their capabilities with respect to analyzing travel documents and the level of coordination and information sharing between these labs and other DHS operational elements. Further, staff met with representatives from the Office of Fraud Detection and National Security (FDNS) within the U.S. Citizenship and Immigration Services division of the Department of Homeland Security; the U.S. Customs and Border Protection (CBP) Office of Intelligence; the Transportation Security Administration (TSA) Office of Intelligence; the United States Coast Guard (USCG) Office of Intelligence; the Department of Homeland Security’s Office of Information Analysis (IA); the Department of State’s Bureaus of Consular Affairs and Diplomatic Security; and the joint Department of State, Department of Justice, and Department of Homeland Security Human Smuggling and Trafficking Center (HSTC). These briefings focused on the sharing, access, use, and coordination of intelligence and operational information relating to terrorist travel and the use of fraudulent travel documents.

As part of this oversight, and the findings of the 9/11 Commission on this subject, the Subcommittee on Infrastructure and Border Security and the Subcommittee on Intelligence and Counterterrorism held a joint hearing on September 30, 2004, entitled “Disrupting Terrorist Travel: Safeguarding America’s Borders Through Information Sharing.” Testimony was received from Lt. General Patrick Hughes (Ret.), Assistant Secretary, Information Analysis, Department of Homeland Security; the Honorable C.

Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Policy and Planning, Department of Homeland Security; and Dr. Lawrence M. Wein, Professor, Graduate School of Business Stanford University. This hearing examined the need for the Department of Homeland Security to continue to develop and expand its ability to analyze terrorist techniques, patterns, indicators, and trends, and to share such information in a timely manner with front-line Department personnel in order to identify, intercept, and disrupt terrorists from traveling into and within the United States. The hearing also provided the Department with an opportunity to demonstrate how it plans to implement some of the 9/11 Commission recommendations.

As a result of this oversight effort, Committee staff worked to develop terrorist travel legislation that was included in H.R. 10, as passed by the House, and were retained in modified form as part of the House-Senate Conference on S. 2845, the “Intelligence Reform and Terrorism Prevention Act of 2004.” For additional detail, see the Legislative Activity section of this report.

Biometric Technologies

During the 108th Congress, the Subcommittee examined the current and planned uses of biometric technologies as a critical element of the Nation’s homeland security efforts. In particular, the Subcommittee focused on the use of such technologies as part of the US-VISIT program (for both entry and exit tracking systems), and as the international community progresses towards biometrically-enabled passports and internationally accepted standards. The Subcommittee reviewed the coordination of biometric efforts and initiatives across the Department and within the Federal government, and concerns that the lack of agreed upon U.S. or international standards for biometrics may be curtailing the speed at which biometrics are deployed throughout the Department and the Federal government and the eventual interoperability of various biometric systems deployed in the future.

As part of this oversight, the Subcommittee on Infrastructure and Border Security hosted, on September 23, 2004, a technology demonstration and briefing for Members and staff on the use of biometric identifiers (biometrics) in homeland security and other governmental programs. The briefing and demonstration provided a general overview of biometrics, including hands-on demonstrations on how biometric information is captured, stored, and utilized. Iris recognition, hand geometry, and finger prints were the biometric systems demonstrated. The Department of Homeland Security demonstrated the US-VISIT system, briefed on existing programs in which biometric identifiers are used, and provided Members with an update on developing technologies and programs. Representatives from the Department of State and the Department of Defense provided additional briefings on their current and emerging programs involving biometrics. The briefing provided Members an opportunity to further their understanding of various biometric technologies and their applicability to different government programs and departments.

Critical Infrastructure Protection

As part of the Committee's oversight activities in this area, the Subcommittee actively reviewed the Department of Homeland Security's efforts to develop and implement a national critical infrastructure plan during the 108th Congress. On April 29, 2003, Subcommittee Members were briefed by the Assistant Secretary for Infrastructure Protection of the Department of Homeland Security on the National Critical Infrastructure Strategy. The Assistant Secretary provided an overview of The National Strategy for the Physical Protection of Critical Infrastructure and Key Assets, which was issued by the President in February 2003.

The first strategic objective in the National Strategy is the development of a list of national critical infrastructure sites and facilities. The Subcommittee examined the methodology used by the Department in the identification and ranking of high-priority sites and facilities for risk assessments and protective plans. On March 31, 2004, Members of the Subcommittee received a classified briefing from the Department on the development of this national list, the methodology used to compile the list, and efforts by the Department to assess the vulnerabilities of these sites.

The Subcommittee held several additional briefings at the Member and staff levels to monitor progress on this issue throughout 2004. Subcommittee staff also traveled to Los Angeles, California, in August 2004, to meet with State, local, and private sector officials regarding critical infrastructure protection. Staff met with members of Project ARCHANGEL, which is coordinated by the Los Angeles County Sheriff's Department and was developed by the County of Los Angeles to compile and assess the critical infrastructure in the region. During these meetings, staff reviewed the framework utilized to compile the list, including the criteria and categories for the 13 different infrastructure sectors, and discussed the progress and challenges in compiling this list, assessing vulnerabilities to such infrastructure, and preparing a plan to address those vulnerabilities. During this trip, Subcommittee staff also met with the Deputy Director for Homeland Security for the State of California, and discussed efforts at the State level to complete a critical infrastructure assessment and the cooperation from the Department of Homeland Security in this effort.

In addition, the Subcommittee evaluated the efforts of the Department to establish productive working relationships with the private sector owners and operators of critical infrastructure. On March 23, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security held a joint briefing on "Private Sector Operations and Interaction with DHS—Financial and Telecommunications Sectors." Remarks were presented by representatives from the Information Sharing and Analysis Center (ISAC) Council; Financial Services ISAC; and the Telecommunications ISAC. The closed briefing provided information on how these two infrastructure organizations—the financial and telecommunications sectors—work to secure their infrastructures and how they work with the Department of Homeland Security to share information that will help protect U.S. critical infrastructures. The representatives also

discussed the interdependencies of their infrastructures, particularly the heavy dependency of the financial sector on the telecommunications industry to deliver assured services for both voice and data communications.

On March 29, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security continued their joint briefing on private sector interaction with the Department of Homeland Security, focused on the energy, electric, and chemical sectors. Representatives from three Information Sharing and Analysis Center (ISAC) sector leads, as well as the National Petrochemical Refiners Association, described how their sectors were addressing security concerns and how they engage with Federal and State governments in this area.

Further, on April 21, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security held a joint hearing entitled "The DHS Infrastructure Protection Division: Public-Private Partnerships to Secure Critical Infrastructures." The hearing included testimony regarding the need to strengthen the Department's activities and relationship with the private sector, particularly with respect to cybersecurity. Testimony was received from: Mr. Robert Liscouski, Assistant Secretary of Homeland Security for Infrastructure Protection, Department of Homeland Security; Mr. George Newstrom, Secretary of Technology, Chief Information Officer, Commonwealth of Virginia; Mr. Robert Dacey, Government Accountability Office; the Honorable Dave McCurdy, Executive Director, Internet Security Alliance; and Ms. Diane VanDe Hei, Vice Chair, Information Sharing and Analysis Center (ISAC) Council.

The Subcommittee also monitored the activities of the National Infrastructure Advisory Council during the 108th Congress. The National Infrastructure Advisory Council (NIAC) is composed of not more than 30 members appointed by the President who are selected from the private sector, academia, and State and local government, and who provide the President through the Secretary of Homeland Security advice on the security of critical infrastructure and ways to enhance the public-private partnership. Through meetings with various members of the NIAC, the Subcommittee examined the reports and recommendations of the Council and its interactions with the Department of Homeland Security.

Review of Electricity Power Grid Outage

As part of its review of infrastructure protection matters, the Subcommittee examined the August 2003 major electricity power grid outage through two days of hearing. On September 4, 2003, and September 17, 2003, the Subcommittee on Cybersecurity, Science and Research & Development and the Subcommittee on Infrastructure and Border Security held a joint hearing entitled "Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness."

Testimony was received on September 4, 2003, from: the Honorable Cofer Black, Coordinator for Counterterrorism, Department of State; Mr. Larry A. Mefford, Executive Assistant Director of Counterterrorism and Counterintelligence, Federal Bureau of In-

vestigation; Mr. Paul H. Gilbert, Former Chair, Panel on Energy Facilities, Cities, and Fixed Infrastructure, National Research Council; Dr. Peter Orzag, Senior Fellow, the Brookings Institution; Mr. John McCarthy, Executive Director, Critical Infrastructure Protection Project, George Mason University; Mr. Karl Rauscher, Founder and President, Wireless Emergency Response Team; and Mr. Kenneth Watson, President and Chairman, Partnership for Critical Infrastructure Security. Testimony was received on September 17, 2003, from: Mr. Robert Liscouski, Assistant Secretary, Infrastructure Protection Directorate, Department of Homeland Security; Ms. Denise Swink, Acting Director, Office of Energy Assurance, Department of Energy; Col. Michael McDaniel, Assistant Adjutant General, Homeland Security, State of Michigan; and Mr. Robert F. Dacey, Director, Information Security Issues, Government Accountability Office.

The hearing examined the interconnection among the critical infrastructures within the United States, and witnesses discussed the role of simulations and modeling for improving management of infrastructure interdependencies. Witnesses also discussed the contingency plans for sustained outages at energy plants specifically, and the use of redundancy principles when designing systems for all critical infrastructure sectors.

Agro-Terrorism

During the 108th Congress, the Subcommittee reviewed the efforts of the Department of Homeland Security and the Department of Agriculture to address issues relating to the protection of the food and agricultural supplies, including the conduct of vulnerability assessments and the implementation of two Homeland Security Presidential Directives (HSPD): HSPD-7 (on Critical Infrastructure Identification, Prioritization, and Protection), and HSPD-9 (on Defense of United States Agriculture and Food).

Protective Security Advisor Program (PSAP)

During the 108th Congress, the Subcommittee conducted oversight with respect to the Department's efforts to develop and begin operations of its Protective Security Advisor Program (PSAP) program, which is designed to provide Federal experts to assist State, local, and private sector entities in identifying and conducting vulnerability assessments of critical infrastructure, and developing plans to address those vulnerabilities. The Subcommittee examined the delays in hiring the necessary staff to carry out this program, encouraged the Department to speed up its efforts in this area, and worked with the House Appropriations Committee to secure additional resources for this program in Fiscal Year 2005.

SUBCOMMITTEE ON INFRASTRUCTURE AND BORDER SECURITY HEARINGS HELD

Northern Border Security. Joint Field Hearing in Niagara Reservation State Park, New York, with the Government Reform Subcommittee held on Criminal Justice, Drug Policy and Human Resources. Hearing held on May 19, 2003. PRINTED, Serial No. 108–

4. (Printed by the Committee on Government Reform Serial No. 73).

Balancing Security and Commerce. Hearing held on July 16, 2003. PRINTED, Serial No. 108–10.

Best Business Practices for Securing America's Borders. Hearing held on July 23, 2003. PRINTED, Serial No. 108–20.

Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness. Joint hearing with the Subcommittee on Cybersecurity, Science, and Research & Development. Hearing held on September 4, 2003. PRINTED, Serial No. 108–23.

Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness. Joint hearing with the Subcommittee on Cybersecurity, Science, and Research & Development. Hearing held on September 17, 2003. PRINTED, Serial No. 108–23.

Plugging the Gaps in Border Security: the One Face at the Border Initiative. Hearing Held on October 16, 2003. PRINTED, Serial No. 108–30.

Integrity and Security at the Border: The US-VISIT Program. Hearing held on January 28, 2004. PRINTED, Serial No. 108–34.

The Department of Homeland Security's Information Analysis and Infrastructure Protection Budget Proposal for Fiscal Year 2005. Joint hearing held with the Subcommittee on Intelligence and Counterterrorism. Hearing held on March 4, 2004. PRINTED, Serial No. 108–39.

The Department of Homeland Security's Border and Transportation Security (BTS) Budget Proposal for Fiscal Year 2005. Hearing Held on March 17, 2004. PRINTED, Serial No. 108–41.

The DHS Infrastructure Protection Division: Public-Private Partnerships to Secure Critical Infrastructures. Joint hearing with the Subcommittee on Cybersecurity, Science, and Research & Development. Hearing Held on April 21, 2004. PRINTED, Serial No. 108–45.

Maritime Security Operations Within the Department of Homeland Security. Hearing Held on May 5, 2004. PRINTED, Serial No. 108–47.

The Transportation Security Administration's Progress in Enhancing Homeland Security. Hearing Held on May 12, 2004. PRINTED, Serial No. 108–49.

Protecting the Homeland: Building a Layered and Coordinated Approach to Border Security. Hearing Held on June 15, 2004. PRINTED, Serial No. 108–51.

Counternarcotics at the Department of Homeland Security: How Well Are Anti-Drug Trafficking Operations Being Supported and Coordinated? Joint hearing with the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform. Hearing Held on July 22, 2004. PRINTED, Serial No. 108–54.

Disrupting Terrorist Travel: Safeguarding America's Borders Through Information Sharing. Joint hearing with the Sub-

committee on Intelligence and Counterterrorism. Hearing Held on September 30, 2004. PRINTED, Serial No. 108-60.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE

JOHN SHADEGG, Arizona, *Chairman*

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JIM GIBBONS, Nevada	BOB ETHERIDGE, North Carolina
KAY GRANGER, Texas	KEN LUCAS, Kentucky
PETE SESSIONS, Texas	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: preparation for and response to chemical, biological, radiological, and other attacks on civilian populations; protection of physical infrastructure and industrial assets against terrorist attack; issues related to liability arising from terrorist attack; public health issues related to such attacks; disaster preparedness; coordination of emergency response with and among state and local governments and the private sector; homeland security technology; relevant oversight.

The Subcommittee on Emergency Preparedness and Response actively conducted oversight on a wide range of issues through public hearings and briefings during the 108th Congress. Subcommittee Members and staff also met on a frequent basis with first responders, academic experts, industry representatives, non-governmental organizations, in addition to officials from the Department of Homeland Security, other Federal agencies, and State and local governments across the country. These hearings, briefings, and meetings were central to the Subcommittee's legislative and oversight activities, which focused on the following general topics: (1) reforming first responder grant programs to make them "faster and smarter"; (2) terrorism preparedness exercises and training at the Federal, State, and local levels of government, especially for events involving weapons of mass destruction; (3) public safety communications interoperability; (4) countermeasures for biological, chemical, radiological, and nuclear attacks; (5) emergency warnings and alerts; and (6) incident command and control and the National Response Plan.

The Subcommittee assisted the Full Committee in developing the "Faster and Smarter Funding for First Responders Act," initially reporting the measure unanimously at the Subcommittee level in November 2003 and helping to steer its ultimate passage through the Full Committee, four other committees of the House, and the full House of Representatives in October 2004 as a provision of H.R. 10, the "9/11 Recommendations Implementation Act." This legislation was aided by Subcommittee oversight of the problems with the current first responder grant programs, including the lack

of risk-based allocation of funds at the Federal and State levels and the administrative bottlenecks delaying the ultimate receipt and use of these funds at the local level.

The Subcommittee's oversight also highlighted other issues that led to legislative solutions, including enhanced Federal coordination, technical assistance, and funding flexibility to foster interoperable communications for first responders, the testing of new emergency warning capabilities, and increased support for the development of State, regional, and local mutual aid agreements.

Preparedness for Chemical, Biological, Radiological, and Nuclear Threats

In addition to actions taken by the Full Committee, the Subcommittee held three hearings and conducted site tours to review chemical, biological, radiological, and nuclear threats and the Nation's current level of preparedness for such threats. The Subcommittee focused its oversight on the President's Project BioShield proposal, a prioritization of existing biological threats, and the Nation's capability to detect possible agents that are used in attacks on our homeland.

On March 27, 2003, the Subcommittee on Emergency Preparedness and Response held a joint hearing with the Subcommittee on Health of the Committee on Energy and Commerce, entitled "Furthering Public Health Security: Project BioShield." Testimony was received from: the Honorable Tommy Thompson, Secretary, Department of Health and Human Services; Dr. Michael Friedman, Chief Medical Officer for Biomedical Preparedness, PhRMA; Dr. Gary Noble, Vice President of Medical and Public Affairs, Johnson & Johnson on behalf of AdvaMed; Dr. J. Leighton Read, General Partner, Biotechnology Industry Organization; and Dr. James Baker, Jr., Ruth Dow Doan Professor, Director, Center for Biological Nanotechnology. The hearing examined the current state of affairs with respect to vaccine and countermeasure development and procurement for weapons of mass destruction, as well as the proposed Project BioShield that would expedite and expand the Federal government's role in promoting a market for such countermeasure development.

The Subcommittee also focused on the appropriate role of the new Department of Homeland Security with respect to Project BioShield—in particular, the use of intelligence and risk assessment to prioritize countermeasure development. On June 5, 2003, the Subcommittee on Emergency Preparedness and Response held a joint hearing with the Subcommittee on Intelligence and Counterterrorism, entitled "Does the Homeland Security Act of 2002 Give the Department the Tools It Needs to Determine Which Bio-Warfare Threats Are Most Serious?" Testimony was received from: Paul J. Redmond, Assistant Secretary, Information Analysis, Department of Homeland Security; and Eric Tolbert, Director, Response Division, Emergency Preparedness and Response Directorate, Department of Homeland Security. This hearing examined the Department's current and planned analytic capabilities required to administer the Project BioShield program.

With respect to detection of biological agent attacks, on September 24, 2003, the Subcommittee held a hearing entitled "Dis-

ease Surveillance Systems: How Can They Help Us Prepare for Bioterrorism?” Testimony was received from Mr. Joseph Henderson, Associate Director of Terrorism Preparedness and Response, Centers for Disease Control and Prevention, accompanied by Dr. John W. Loonsk, Associate Director for Informatics, Centers for Disease Control and Prevention; Dr. Richard Platt, Chair, Department of Ambulatory Care and Prevention, Harvard Pilgrim Health Care; Dr. Jonathan L. Temte, Infectious Disease Specialist, American Academy of Family Physicians; Dr. Jeffrey Trent, President and Scientific Director, Translational Genomics Research Institute, accompanied by Dr. Paul Stephen Keim, Department of Biological Sciences, Northern Arizona University.

This hearing examined disease surveillance systems that support monitoring and communications among public health labs, the clinical community, and State and local health departments. The hearing also examined “syndromic” surveillance, which tracks patient medical records in compliance with privacy regulations to look for clusters of symptoms. The hearing also reviewed the role of primary care physicians and their level of preparedness for a bioterror event. Witnesses explained how research is leading to new diagnostics that may be able to quickly detect biologic outbreaks before they become epidemics, and discussed how such systems can interact with initiatives pursued by the Department of Homeland Security such as BioWatch.

In addition, on Thursday, September 25, 2003, the Subcommittee on Emergency Preparedness and Response received a joint briefing with the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security, entitled “Radiological and Nuclear Detection: Is Science Saving the Day?” Representatives from the Department of Homeland Security, the national laboratories and the Port Authority of New York and New Jersey briefed Members and staff on technological advancements and application in detection of radiological and nuclear components. The briefing was presented by Dr. Maureen McCarthy, Director, Office of Research and Development, Science and Technology Directorate, Department of Homeland Security; Mr. Ray Vitkus, Group Leader of Nonproliferation and International Technology Group, Los Alamos National Laboratory; Dr. Page Stoutland, Program Leader, Radiological and Nuclear Countermeasures, Lawrence Livermore National Laboratory; and Mr. Brian Lacey, Office of Operations and Emergency Management, the Port Authority of New York and New Jersey.

An additional briefing was held for the Chairman and Ranking Member in May 2004 by the Senior Director for Bioterrorism of the National Security Council. The briefing afforded the Committee the opportunity to understand the Administration’s work to identify national bioterrorism preparedness gaps, the capabilities and current limitations of Federal agencies, and to better coordinate the efforts of the Federal government in concert with State and local partners.

First Responders

As part of the Committee’s oversight of first responder issues during the 108th Congress, the Subcommittee conducted numerous

hearings, briefings, and other meetings with Federal, State, and local officials and all of the first responder disciplines to understand the obstacles to greater terrorism preparedness.

On October 16, 2003, the Subcommittee on Emergency Preparedness and Response held a legislative hearing on H.R. 3266, the "Faster and Smarter Funding for First Responders Act." This hearing examined how the legislation would address deficiencies in the current homeland security grant distribution process, and the need for a more regional approach to first responder preparedness. The witnesses highlighted problems that included the burdensome nature of the current application process; the slow flow of Federal homeland security funding to local first responders; and the lack of threat and vulnerability factors taken into consideration in the distribution of grant funds. Testimony was received from The Honorable James A. Garner, Mayor of Hempstead, New York, President, The United States Conference of Mayors; Col. Randy Larsen (Ret.), Founder and CEO, Homeland Security Associates, Former Director, Institute of Homeland Security, Former Chairman of Military Department at the National War College; and Mr. Robert Latham, Director, Mississippi Emergency Management Agency.

On April 28, 2004, the Subcommittee on Emergency Preparedness and Response held a hearing entitled "The DHS Office for Domestic Preparedness First Responder Assistance Programs." Testimony was received from C. Suzanne Mencer, Director, Office for Domestic Preparedness, Department of Homeland Security; and Dennis R. Schrader, Director, Governor's Office of Homeland Security, State of Maryland. The hearing examined first responder assistance programs administered by the Office for Domestic Preparedness (ODP), and issues such as risk assessment, administrative requirements and bottlenecks, State and local planning for use of grants, and the proposed Fiscal Year 2005 budget for ODP.

With respect to incident management, the Subcommittee examined DHS efforts to develop an interim and revised National Response Plan at the Federal level, as required by the Homeland Security Act of 2002 (P.L. 107-296), and also reviewed the efforts of DHS to develop and implement the new National Integration Management System (NIMS), the first-ever national standardized plan for managing emergency incidents. The Subcommittee oversaw the creation of the NIMS Integration Center—a new center within DHS that will assist Federal, State, and local response agencies in adopting appropriate protocols, procedures, and standards necessary to maintain compliance with NIMS. As part of this oversight effort, and the Committee's oversight of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) report and recommendations, the Subcommittee held a hearing on September 29, 2004, entitled "The National Incident Management System: Enhancing Response to Terrorist Attacks." The hearing focused on the benefits of and concerns relating to the implementation of the NIMS system by State and local governments. Testimony was received from: Mr. Gil Jamieson, Acting Director, NIMS Integration Center, U.S. Department of Homeland Security; Chief P. Michael Freeman, Los Angeles County Fire Department, California, on behalf of the International Association of Fire Chiefs; Mr. Steve Lenkart, National Director of Legislative Affairs, Inter-

national Brotherhood of Police Officers; and Dr. Joseph Barbera, Co-Director, Institute for Crisis, Disaster, and Risk Management, George Washington University.

Consistent with the Subcommittee's oversight, the Department of Homeland Security has decided to phase-in the required adoption of NIMS by State and local governments over three years to account for numerous monetary, equipment, training, administrative, and other obstacles to full implementation. The NIMS Integration Center also is working with witnesses who testified before the Subcommittee and an expanded cross section of first responder disciplines to incorporate their terminologies, protocols, and other priorities into NIMS.

With respect to terrorism preparedness exercises, the Subcommittee focused on the need for more coordination, consistency, and inclusiveness in exercises conducted or sponsored by the Federal government. The Subcommittee took note of the Department of Homeland Security's efforts to refine a National Exercise Program to provide assistance with exercise scheduling, design, and evaluation at the Federal, State, local and tribal levels of government, and the Department is expanding its exercises to include international and private sector participation.

Communications Technology Interoperability

As part of the Committee's oversight of first responder preparedness issues, the Subcommittee conducted significant oversight of Federal efforts to improve public safety interoperable communications, which led to the incorporation of several related provisions in S. 2845, the "Intelligence Reform and Terrorism Prevention Act of 2004."

On Wednesday, October 15, 2003, the Subcommittee on Emergency Preparedness and Response and the Subcommittee on Cybersecurity, Science, and Research & Development received a joint briefing on "Communications Technology and Interoperability: Can Science and Technology Help Overcome Communications Obstacles for First Responders." Members of the Subcommittees were briefed by representatives from the SAFECOM Program Office, Department of Homeland Security; Motorola, Inc.; and the Commonwealth of Massachusetts. At this briefing, the Subcommittees examined the technological limitations of communications systems, possible solutions to interoperability, and governmental requirements to create an effective first responder notification system.

Subsequent to this briefing, the Subcommittee continued to review—through staff-level briefings with DHS, State and local officials, first responders, and relevant industry representatives—the efforts of DHS' Project SAFECOM, its research and development priorities, its development of grant guidance, standards, and other Federal assistance to help State and local governments achieve interoperable communications, and its development of near-term solutions to ensure rapid incident interoperability in high-risk areas. The Subcommittee also examined, as part of the Committee's review of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) report and recommendations, the Department of the Army's Signal Corps, Civil Support Teams, and other sources of communications assistance for Federal, State,

and local first responders, and the potential of using the Signal Corps model or their capabilities for high-risk area interoperable communications, as recommended by the 9/11 Commission Report.

The Subcommittee's oversight in this area helped to spur the Department of Homeland Security's creation of an Office of Interoperability and Compatibility to enhance coordination of Project SAFECOM and numerous other communications assistance initiatives within the Department. Its responsibilities include many that are similar to Select Committee suggestions, including: (1) collecting and disseminating best practices, (2) ensuring that short and long-term communications solutions may be acquired through Federal grants; (3) prioritizing research and development; (4) providing guidance and technical assistance for Federal grant programs; (5) making communications interoperability a priority for awards distributed by the Office for Domestic Preparedness; and (6) developing essential elements of progress to measure the level of communications interoperability across Federal, State, and local governments. In addition, the Fiscal Year 2005 Grant Guidance for the Homeland Security Grant Program and the Urban Area Security Initiative requires grant recipients to develop comprehensive interoperable communications plans, similar to provisions the Committee contributed to S. 2845, the "Intelligence Reform and Terrorism Prevention Act of 2004." The Subcommittee's oversight also supported the development of other legislative provisions to enhance interoperable communications for public safety that were enacted into law as part of this Act. For additional detail, see the Legislative Activity section.

Emergency Preparedness and Response Fiscal Year 2005 Budget

The Subcommittee examined the proposed Fiscal Year 2005 budget for the DHS Emergency Preparedness and Response (EP&R) Directorate through various briefings and a hearing. On Wednesday, March 3, 2004, the Subcommittee on Emergency Preparedness and Response held a hearing entitled "The Department of Homeland Security Emergency Preparedness and Response Directorate Fiscal Year 2005 Budget." Testimony was received from the Honorable Michael D. Brown, Under Secretary for Emergency Preparedness and Response, Department of Homeland Security. The hearing reviewed the President's proposed Fiscal Year 2005 budget plans and authorization needs for the EP&R. The hearing also examined the Directorate's compliance with relevant provisions in the Homeland Security Act of 2002 (P.L. 107-296), and how the Directorate is fulfilling its objectives outlined in the President's National Strategy for Homeland Security, and Homeland Security Presidential Directives (HSPD) 5 and 8 (on Management of Domestic Incidents and on National Preparedness).

As a part of the hearing, the Subcommittee raised concerns that multiple assessments of State and local capabilities are being conducted by multiple organizations within the Department of Homeland Security, causing delays in the flow of homeland security grant funds to local first responders. The Subcommittee sought clarification on the purpose of these assessments and the use of State and local threat assessment information within the Department. The Subcommittee also examined issues relating to the

transfer and consolidation of all Emergency Preparedness and Response grant programs under the Office for Domestic Preparedness. Further, the Subcommittee inquired as to the division of responsibility for developing standards among the Emergency Preparedness and Response Directorate, Science and Technology Directorate, the Office for Domestic Preparedness, and other Department organizations involved in developing standards. The hearing also focused on the role of the EP&R Directorate in the Department's interoperability communications plans.

Emergency Warning Systems

On September 22, 2004, the Subcommittee on Emergency Preparedness and Response held a hearing entitled "Emergency Warning Systems: Ways to Notify the Public in the New Era of Homeland Security." Testimony was received from: Mr. Reynold N. Hoover, Director of National Security Coordination, Department of Homeland Security; Mr. James Dailey, Director of Homeland Security, Federal Communications Commission; Ms. Kathleen Henning, Certified Emergency Manager, International Association of Emergency Management; Dr. Peter L. Ward, Founding Chairman, Partnership for Public Warning, U.S. Geological Survey (Retired); Mr. Frank Lucia, Vice Chairman, Washington D.C. Emergency Alert System Committee, Member, Public Communications & Safety Working Group, Media Security and Reliability Council; and Ms. Patricia McGinnis, President and CEO, Council for Excellence in Government.

The hearing examined the current status of our Nation's emergency warning and alert systems, with particular emphasis on the Department of Homeland Security's role in the Emergency Alert System, technical and procedural aspects of the system, the media's role in public warning, and actions the public and private sectors can take to convey and receive public warning in an effective and timely manner. Concerns that were raised with the current public warning systems included: simultaneous over-inclusiveness and under-inclusiveness; disincentives to the dissemination of warning by broadcasters; insufficient standards, protocols, and procedures for developing and issuing warnings; an absence of metrics for measuring the effectiveness of these systems; and a general lack of oversight coordination at the Federal level related to all types of emergency warnings. The Subcommittee's oversight supported the development of legislative provisions to require further study of alternative emergency warning systems, which were enacted into law as part of S. 2845, the "Intelligence Reform and Terrorism Prevention Act of 2004." For additional details, see the Legislative Activity section.

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE HEARINGS HELD

Furthering Public Health Security: Project BioShield. Joint hearing with the Committee on Energy and Commerce: Subcommittee on Health. Hearing held on March 27, 2003. PRINTED, Serial No. 108-1). (Printed by the Committee on Energy and Commerce 108-11).

Does the Homeland Security Act of 2002 Give the Department the Tools It Needs to Determine Which Bio-Warfare Threats are Most Serious? Joint hearing with the Subcommittee on Intelligence and Counterterrorism. Hearing held on June 5, 2003. PRINTED, Serial No. 108-8.

Disease Surveillance Systems: How Can They Help the Nation Prepare for Bioterrorism? Hearing held on September 24, 2003. PRINTED, Serial No. 108-27).

H.R. 3266, To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes. Faster and Smarter Funding for First Responders Act of 2003. Hearing held on October 16, 2003. PRINTED, Serial No. 108-31.

Department of Homeland Security Emergency Preparedness and Response Directorate Fiscal Year 2005 Budget. Hearing held on March 3, 2004. PRINTED, Serial No. 108-38).

The DHS Office for Domestic Preparedness First Responder Assistance Programs. Hearing held on April 28, 2004. PRINTED, Serial No. 108-46).

Emergency Warning Systems: Ways to Notify the Public in the New Era of Homeland Security. Hearing held on September 22, 2004. PRINTED, Serial No. 108-58).

The National Incident Management System: Enhancing Response to Terrorist Attacks. Hearing held on September 29, 2004. PRINTED, Serial No. 108-59).

SUBCOMMITTEE ON CYBERSECURITY, SCIENCE, AND RESEARCH AND DEVELOPMENT

MAC THORNBERRY, Texas, *Chairman*

PETE SESSIONS, Texas, <i>Vice Chairman</i>	ZOE LOFGREN, California
SHERWOOD BOEHLERT, New York	LORETTA SANCHEZ, California
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JOHN LINDER, Georgia	JAMES R. LANGEVIN, Rhode Island
MARK SOUDER, Indiana	KENDRICK B. MEEK, Florida
JIM GIBBONS, Nevada	BEN CHANDLER, Kentucky
KAY GRANGER, Texas	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: security of computer, telecommunications, information technology, industrial control, electric infrastructure, and data systems, including science, research and development related thereto; protection of government and private networks and computer systems from domestic and foreign attack; prevention of injury to civilian populations and physical infrastructure caused by cyber attack; relevant oversight.

During the 108th Congress, the Subcommittee on Cybersecurity, Science and Research & Development conducted extensive public hearings and briefings with experts in the private sectors that own and operate the critical information infrastructure, as well as with government and academic experts who discussed their perspectives on working with the Department of Homeland Security. The Subcommittee held eight hearings on cybersecurity, leading to the introduction of legislation to elevate the cybersecurity mission within the Department, to bring together data and telecommunications functions under this elevated mission, and to provide an authoritative cybersecurity definition to be used across the Department in execution of this mission. The Subcommittee also held three hearings that covered the breadth of the mission of the Science and Technology (S&T) Directorate within the Department, leading to the introduction of legislation to improve DHS' scientific programs and technology transfer between DHS, industry, and other partners in the War on Terrorism.

Cybersecurity Threats, Challenges, and Vulnerabilities

The Subcommittee closely examined the range of cybersecurity threats and vulnerabilities faced by the United States through a series of hearings and briefings during the 108th Congress. As part of this effort, on April 10, 2003, Members of the Subcommittee on Cybersecurity, Science, and Research & Development were briefed on the cybersecurity challenges facing the United States. The briefing was provided by the Director of Information Assurance, National Security Agency, and gave an overview of the cyber threat and the challenges in overcoming vulnerabilities, including certain

overseas outsourcing of software and hardware products. In addition, on June 4, 2003, Members of the Subcommittee on Cybersecurity, Science, and Research & Development received a classified briefing from representatives of the Director of Central Intelligence, the National Intelligence Council, and the Federal Bureau of Investigation on the threat to U.S. cyber infrastructure. The briefing provided members with additional information on the threats to the Nation posed by increases in cyber crime and espionage.

The Subcommittee followed these briefings with a hearing on June 25, 2003, entitled "Overview of the Cyber Problem: A Nation Dependent and Dealing with Risk." This hearing focused on current vulnerabilities and threats faced in the private sector, as well as how organizations could deal with cyber outages through establishment of an incident management program. Testimony was received from Mr. Bruce Schneier, Founder and Chief Technical Officer, Counterpane Internet Security, Inc.; Mr. Richard D. Pethia, Director, CERT Centers, Software Engineering Institute, Carnegie Mellon University; and Mr. Alan Paller, Director of Research, SANS Institute.

On July 21, 2003, the Subcommittee on Cybersecurity, Science, and Research & Development sponsored a half-day cybersecurity workshop that was hosted by the Congressional Research Service for Congressional staff from the House and Senate. This workshop provided staff with basic knowledge of cyber space, cybersecurity, and associated threats. Briefings and demonstrations were received from: the SANS Institute; Center for Information Assurance, University of Dallas; Counterpane Systems; Congressional Research Service; Central Intelligence Agency; Lumeta Corporation; MCI Telecommunications; and the U.S. Secret Service.

On July 22, 2003, the Subcommittee on Cybersecurity, Science, and Research & Development held a hearing entitled "Cybersecurity—Getting It Right." Testimony was received from: Mr. Daniel G. Wolf, Director of Information Assurance, National Security Agency; Dr. Shankar Sastry, Chairman and Professor of Department of Electrical Engineering and Computer Sciences, University of California, Berkeley, California; and Dr. Steven M. Bellovin, Technology Leader, Network Services Research Laboratory, AT&T Laboratory Research. These witnesses stressed the importance of continuing research in cybersecurity and noted how rapidly the technology in this area is moving ahead, along with the challenges to keep pace. The NSA witness testified that security innovations used in the national security community should be applied to critical infrastructure.

On February 24, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development sponsored a cyber exercise hosted by the Secretary of Defense and the National Defense University. Members of the Select Committee participated in a scenario-driven mock event that explored the vulnerabilities of national information infrastructure to attack.

On July 14, 2004, Members of the Subcommittee on Cybersecurity, Science, and Research & Development received a closed briefing from representatives of the Department of Homeland Security Information Analysis and Infrastructure Protection

Directorate and the U.S. Secret Service on the impact of cyber attacks on critical infrastructure, particularly those that could negatively impact the national economy.

Cybersecurity Information Sharing and Partnership With the Private Sector

During the 108th Congress, the Subcommittee actively reviewed the relationship between the Department of Homeland Security and the private sector with respect to cybersecurity issues. On July 15, 2003, the Subcommittee held an oversight hearing entitled “Industry Speaks on Cybersecurity.” Testimony was received from: Mr. Phil Reiting, Senior Security Strategist, Microsoft Corporation; Mr. Whitfield Diffie, Vice President and Chief Security Officer, Sun Microsystems, Inc.; Dr. James Craig Lowery, Chief Security Officer, Dell Computer Corporation; Mr. Jay Adelson, Chief Technology Officer and Founder, Equinix, Inc.; Mr. Frank Ianna, President, Network Services, AT&T Corporation; and Ms. Tatiana Gau, Chief Trust Officer and Senior Vice President, America On-Line (AOL) Core Services, AOL Time Warner. The panel represented extensive expertise from service providers to hardware and software manufacturers, and discussed the need for improved coordination of cybersecurity activities with the private sector owners and operators of critical information infrastructure.

On March 23, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security held a joint briefing on “Private Sector Operations and Interaction with DHS—Financial and Telecommunications Sectors.” Remarks were presented by representatives from the Information Sharing and Analysis Center (ISAC) Council; Financial Services ISAC; and the Telecommunications ISAC. The closed briefing provided information on how these two infrastructure organizations—the financial and telecommunications sectors—work to secure their infrastructures and how they work with the Department of Homeland Security to share information that will help protect U.S. critical infrastructures. The representatives also discussed the interdependencies of their infrastructures, particularly the heavy dependency of the financial sector on the telecommunications industry to deliver assured services for both voice and data communications.

On March 29, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security continued their joint briefing on private sector interaction with the Department of Homeland Security, focused on the energy, electric, and chemical sectors. Representatives from the three Information Sharing and Analysis Center (ISAC) sector leads, as well as the National Petrochemical Refiners Association, described how their sectors were addressing security concerns and how they engage with Federal and State governments in this area.

On April 21, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security held a joint hearing entitled “The DHS Infrastructure Protection Division: Public-Private Partnerships to Secure Critical Infrastructures.” The hearing included testimony

regarding the need to strengthen the Department's activities and relationship with the private sector, particularly with respect to cybersecurity. Testimony was received from: Mr. Robert Liscouski, Assistant Secretary of Homeland Security for Infrastructure Protection, Department of Homeland Security; Mr. George Newstrom, Secretary of Technology, Chief Information Officer, Commonwealth of Virginia; Mr. Robert Dacey, Government Accountability Office; the Honorable Dave McCurdy, Executive Director, Internet Security Alliance; and Ms. Diane VanDe Hei, Vice Chair, Information Sharing and Analysis Center (ISAC) Council.

In July 2004, the Government Accountability Office (GAO) issued a report—requested on August 22, 2003, by the Chairman and Ranking Member of the Subcommittee on Cybersecurity, Science, and Research & Development—entitled “Critical Infrastructure Protection—Improving Information Sharing with Infrastructure Sectors” (GAO-04-780). The report provided specific recommendations to help improve the effectiveness of the Department's information sharing efforts with the private sector. The GAO concluded that the Department should proceed with and establish milestones for the development of an information-sharing plan that includes (1) a clear description of the roles and responsibilities of the Department, the Information Sharing and Analysis Centers (ISACs), the sector coordinators, and the sector-specific agencies; and (2) actions designed to address key information-sharing challenges, including the development of appropriate Department policies and procedures for interacting with ISACs, sector coordinators, and sector-specific agencies, and enhanced information sharing within the IAIP Directorate and other Departmental components that may interact with the ISACs.

Status of Department of Homeland Security Efforts To Secure Cyberspace

During the 108th Congress, the Subcommittee conducted oversight with respect to the efforts of the new Department of Homeland Security to develop and implement a robust cybersecurity program, in accordance with the responsibilities and authorities given to the Department under the Homeland Security Act of 2002 (P.L. 107-296) and relevant Presidential directives and national strategies. As an initial part of this effort, on August 22, 2003, the Chairman and Ranking Member of the Subcommittee on Cybersecurity, Science, and Research & Development requested that the Government Accountability Office (GAO) report on the status of the Department's Information Analysis and Infrastructure Protection Directorate's plans to protect the computer systems that support our Nation's critical infrastructures, and the extent to which such plans or other actions adequately address the cyber critical infrastructure responsibilities established for the Department by law and by Administration policy, including the national strategies and related presidential directives and orders. This report is not expected for completion until the 109th Congress.

In addition, the Subcommittee, on September 16, 2003, held a hearing entitled “The Invisible Battleground: What Is the Department of Homeland Security Doing to Make America's Cyberspace More Secure.” Testimony was received from Mr. Robert Liscouski,

Assistant Secretary for Infrastructure Protection, Department of Homeland Security. The Assistant Secretary outlined several Department initiatives to implement the President's National Strategy to Secure Cyberspace.

The Subcommittee also closely examined the Department's proposed Fiscal Year 2005 budget and related matters through a series of actions. On February 2, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development sent a letter to the Department of Homeland Security requesting information on its cybersecurity budget, organizational and planning documentation, internal and external coordination processes and activities, and copies of internal and external service level agreements. The Subcommittee then held a hearing on March 30, 2004, entitled "Homeland Cybersecurity and DHS Enterprise Architecture Budget Hearing for Fiscal Year 2005." Testimony was received from Mr. Robert Liscouski, Assistant Secretary for Infrastructure Protection, Department of Homeland Security; and Mr. Steven Cooper, Chief Information Officer, Department of Homeland Security. Each witness outlined the Administration's budget plan for the year.

In addition, on April 28, 2004, the Full Committee and the Subcommittee on Cybersecurity, Science, and Research & Development sent a letter to the Department of Homeland Security requesting a detailed action or implementation plan that links the Department's cyber program and budget needs to the National Strategy to Secure Cyberspace. The letter also requested the Department's views on both the effectiveness and organizational placement of the National Cybersecurity Division within the Department.

The Subcommittee also examined the integration of the cyber warning and alert systems within the Department. On March 19, 2004, the Subcommittee on Cybersecurity, Science, and Research & Development sent a letter to the Department of Homeland Security regarding the United States Computer Emergency Readiness Team (US-CERT) partnership with the Carnegie Mellon University Computer Emergency Response Team Coordination Center (CERT/CC), requesting feedback on how this arrangement would impact pre-existing arrangements with the private sector and international community.

This cybersecurity-related oversight led to the introduction, on September 13, 2004, of H.R. 5068, the "Department of Homeland Security Cybersecurity Enhancement Act of 2004." The bill established an Assistant Secretary for Cybersecurity within the Department, with clear authority over the National Communications System, and provided an authoritative definition of cybersecurity to be used in execution of the Department's mission. The bill was endorsed by 10 major associations affiliated with industry, academia, and the States, and elements of it were adopted by the House as part of H.R. 10, the "9/11 Recommendations Implementation Act" (see Legislative Activity section).

Review of Electricity Power Grid Outage

As part of its review of cybersecurity and infrastructure protection matters, the Subcommittee examined the August 2003 major electricity power grid outage through two days of hearing. On September 4, 2003, and September 17, 2003, the Subcommittee on

Cybersecurity, Science and Research & Development and the Subcommittee on Infrastructure and Border Security held a joint hearing entitled “Implications of Power Blackouts for the Nation’s Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness.” Witnesses testified to the sector’s growing dependence on Internet Protocol networks to command and control digital control systems, and the need for stronger security measures across the industry. Testimony was received on September 4, 2003, from: the Honorable Cofer Black, Coordinator for Counterterrorism, Department of State; Mr. Larry A. Mefford, Executive Assistant Director of Counterterrorism and Counterintelligence, Federal Bureau of Investigation; Mr. Paul H. Gilbert, Former Chair, Panel on Energy Facilities, Cities, and Fixed Infrastructure, National Research Council; Dr. Peter Orzag, Senior Fellow, the Brookings Institution; Mr. John McCarthy, Executive Director, Critical Infrastructure Protection Project, George Mason University; Mr. Karl Rauscher, Founder and President, Wireless Emergency Response Team; and Mr. Kenneth Watson, President and Chairman, Partnership for Critical Infrastructure Security. Testimony was received on September 17, 2003, from: Mr. Robert Liscouski, Assistant Secretary, Infrastructure Protection Directorate, Department of Homeland Security; Ms. Denise Swink, Acting Director, Office of Energy Assurance, Department of Energy; Col. Michael McDaniel, Assistant Adjutant General, Homeland Security, State of Michigan; and Mr. Robert F. Dacey, Director, Information Security Issues, Government Accountability Office. The hearings focused on the fragility of the Nation’s electrical control systems to possible cyber sabotage.

Directorate of Science and Technology

During the 108th Congress, the Subcommittee on Cybersecurity, Science, and Research & Development conducted oversight of the new Department’s efforts to stand up an effective Directorate of Science and Technology, as required by the Homeland Security Act of 2002 (P.L. 107–296). As part of this oversight effort, the Subcommittee held a hearing on May 21, 2003, entitled “Homeland Security Science and Technology: Preparing for the Future.” Testimony was received from: the Honorable Charles McQueary, Under Secretary for Science and Technology, Department of Homeland Security. This hearing provided insight into how the Department’s leadership was organizing the Department to effectively deal with the extensive breadth of research and development required to cover a myriad of homeland security issues.

Moreover, on October 30, 2003, the Subcommittee on Cybersecurity, Science, and Research & Development held a hearing entitled “Strength Through Knowledge: Homeland Security Science and Technology Setting and Steering a Strong Course.” Testimony was received from the Honorable Penrose C. Albright, Assistant Secretary for Plans, Programs and Budgets, Department of Homeland Security. The Subcommittee also held a hearing on February 25, 2004, on the Department’s Proposed Science and Technology Budget for Fiscal Year 2005. Testimony was received from the Honorable Charles McQueary, Under Secretary Science and Technology, Department of Homeland Security. The hearing

reviewed the Department's budget plan for the coming year, and its strategic plans to address vital homeland security research and development issues and priorities.

Radiological and Nuclear Detection

As part of the Committee's oversight of weapons of mass destruction preparedness, on September 25, 2003, the Subcommittee on Cybersecurity, Science, and Research & Development received a joint briefing with the Subcommittee on Emergency Preparedness and Response and the Subcommittee on Infrastructure and Border Security, entitled "Radiological and Nuclear Detection: Is Science Saving the Day?" Representatives were included from the Office of Research and Development, Science and Technology Directorate, Department of Homeland Security; the Nonproliferation and International Technology Group, Los Alamos National Laboratory; Radiological and Nuclear Countermeasures, Lawrence Livermore National Laboratory; and Office of Operations and Emergency Management, the Port Authority of New York and New Jersey. These representatives briefed Members and staff on technological advancements and application in detection of radiological and nuclear components.

Communications Technology Interoperability

As part of the Committee's oversight of issues relating to first responder preparedness, on October 15, 2003, the Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Emergency Preparedness and Response received a joint briefing on "Communications Technology and Interoperability: Can Science and Technology Help Overcome Communications Obstacles for First Responders?" This briefing focused on technological issues associated with first responder communications, such as radio frequency spectrum, common infrastructure standards to allow for communications across regional and State boundaries, and the need for exercises to practice emergency coordination during times of crisis.

SUBCOMMITTEE ON CYBERSECURITY, SCIENCE, AND RESEARCH &
DEVELOPMENT HEARINGS HELD

Homeland Security Science and Technology: Preparing for the Future. Hearing held on May 21, 2003. PRINTED, Serial No. 108-7.

Overview of the Cyber Problem: A Nation Dependent and Dealing with Risk. Hearing held on June 25, 2003. PRINTED, Serial No. 108-13).

Industry Speaks on Cybersecurity. Hearing held on July 15, 2003. PRINTED, Serial No. 108-16.

Cybersecurity—Getting It Right. Hearing held on July 22, 2003. PRINTED, Serial No. 108-18.

Implications of Power Blackouts for the Nations's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness. Joint hearing with the Subcommittee on Infrastructure and Border Security. Hearing held on September 4, 2003. PRINTED, Serial No. 108-23.

The Invisible Battleground: What Is the Department of Homeland Security Doing to Make America's Cyberspace More Secure. Hearing held on September 16, 2003. PRINTED, Serial No. 108-23.

Implications of Power Blackouts for the Nations's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness. Joint hearing with the Subcommittee on Infrastructure and Border Security Hearing held on September 17, 2003. PRINTED, Serial No. 108-26.

Strength Through Knowledge: Homeland Security Science and Technology Setting and Steering a Strong Course. Hearing held on October 30, 2003. PRINTED, Serial No. 108-33.

Homeland Security Science and Technology Budget Hearing for Fiscal Year 2005. Hearing held on February 25, 2003. PRINTED, Serial No. 108-37.

Homeland Cybersecurity and DHS Enterprise Architecture Budget Hearing for Fiscal Year 2005. Hearing held on March 30, 2004. PRINTED, Serial No. 108-44.

The DHS Infrastructure Protection Division: Public-Private Partnerships to Secure Critical Infrastructures. Joint hearing with the Subcommittee on Infrastructure and Border Security. Hearing held on April 21, 2004. PRINTED, Serial No. 108-45.

SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM

JIM GIBBONS, Nevada, *Chairman*

JOHN SWEENEY, New York, <i>Vice Chairman</i>	KAREN MCCARTHY, Missouri
JENNIFER DUNN, Washington	EDWARD J. MARKEY, Massachusetts
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HAROLD ROGERS, Kentucky	BARNEY FRANK, Massachusetts
CHRISTOPHER SHAYS, Connecticut	JANE HARMAN, California
LAMAR SMITH, Texas	NITA M. LOWEY, New York
PETER KING, New York	ROBERT E. ANDREWS, New Jersey
JOHN LINDER, Georgia	ELEANOR HOLMES NORTON, District of Columbia
JOHN SHADEGG, Arizona	JAMES R. LANGEVIN, Rhode Island
MAC THORNBERRY, Texas	KENDRICK B. MEEK, Florida
<i>Vacancy</i>	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: prevention and interdiction of terrorist attacks on American territory; liaison and integration of the Department of Homeland Security with the intelligence community and law enforcement; collection, analysis, and sharing of intelligence among agencies and levels of government as it relates to homeland security; threat identification, assessment and prioritization; integration of intelligence analysis, and sharing of intelligence, with and among federal, state, and local law enforcement; preservation of civil liberties, individual rights, and privacy; relevant oversight.

During the 108th Congress, the Subcommittee on Intelligence and Counterterrorism focused its oversight efforts on the need to build the capabilities of the Office of Information Analysis within the Department of Homeland Security to conduct rigorous threat and risk assessments, and to ensure its full participation in the Intelligence Community. The Subcommittee also worked with the Full Committee to closely review the Department's policies and procedures with respect to issuing threat and warning advisories to the private sector and the public, including its coordination with the Federal Bureau of Investigation (FBI).

The Subcommittee's oversight in this area prompted administrative action by DHS to target its threat advisories to particular sectors or regions, and to better coordinate its terrorism threat warnings with the FBI so as to reduce confusion among States, local governments, the private sector, first responders, and the public. The Subcommittee's oversight also contributed to the introduction of H.R. 4930, the "Homeland Security Information Sharing and Analysis Enhancement Act of 2004," which would, among other things, provide the Directorate of Information Analysis and Infrastructure Protection (IAIP) with additional personnel hiring flexibility; ensure that IAIP receives all relevant intelligence and law enforcement information from other Federal agencies on a timely basis; and ensure that the DHS Secretary is appropriately involved in the prioritization of the Federal Government's intelligence collection requirements for homeland security purposes.

OVERSIGHT ACTIVITIES

Bioterrorism Threats

As part of the Committee's oversight of weapons of mass destruction preparedness, on June 5, 2003, the Subcommittee on Intelligence and Counterterrorism held a joint hearing with the Subcommittee on Emergency Preparedness and Response entitled "Does the Homeland Security Act of 2002 Give the Department the Tools It Needs to Determine Which Bio-Warfare Threats Are Most Serious?" Testimony was received from: Mr. Paul J. Redmond, Assistant Secretary, Information Analysis, Department of Homeland Security; and Mr. Eric Tolbert, Director, Response Division, Emergency Preparedness and Response Directorate, Department of Homeland Security. The hearing focused on how to strategically and effectively determine which biological threats are the most serious and against which the U.S. must protect.

Information Sharing

As part of the Committee's oversight of homeland security information sharing policies and practices, on July 24, 2003, the Subcommittee on Intelligence and Counterterrorism held a hearing entitled "Improvements to Department of Homeland Security Information Sharing Capabilities—Vertical and Horizontal Intelligence Communications." Testimony was received from: Mr. Bill Parrish, Acting Assistant Secretary for Information Analysis, Department of Homeland Security; Mr. V. Phillip Lago, Deputy Executive Secretary, Central Intelligence Agency; Mr. Steven McCraw, Assistant Director Office of Intelligence, Federal Bureau of Investigation; Mr. James Kallstrom, Senior Advisor to the Governor on Counter Terrorism, State of New York; Mr. George Foresman, Deputy Assistant to the Governor for Commonwealth Preparedness, Commonwealth of Virginia; and Mr. Darin Daniels, Preparedness Planning and Training Manager, Maricopa County, Arizona. Witnesses discussed improvements that have been made in this area, and exchanged ideas and potential solutions to further improve information sharing, use, and handling among all organizations engaged in the war on terrorism.

The Subcommittee also closely examined the rollout of the Homeland Security Information Network (HSIN) by the Department of Homeland Security, which is based on the Joint Regional Exchange Information System developed by State and local authorities in conjunction with the Defense Intelligence Agency, and is designed to serve as an unclassified information exchange for State and local government officials, law enforcement, and first responder agencies. The Subcommittee received briefings from the Department on the classified version of the Network that would be deployed over time, and the potential of the system to deliver real-time connectivity with the Department's Homeland Security Operations Center. As part of this effort, on August 23, 2004, Committee staff visited with local government officials from Clark County, Nevada, to review the status of HSIN deployment in that area. In addition, the Subcommittee has monitored and encouraged the Department's efforts to work collaboratively with the FBI and the Department of

Justice to ensure that HSIN can be made compatible with RISS.Net (the Regional Information Sharing System Network) and the FBI's LEO (Law Enforcement Online) system, in order to more rapidly and more cost-effectively expand coverage and connectivity across the United States.

The Subcommittee also examined the effectiveness of Departmental efforts to help achieve continuity in delivering critical infrastructure and information sharing services to State and local officials through the new Office of Planning and Partnerships, by holding a field hearing in Las Vegas, Nevada on August 21, 2003, entitled "Addressing the Security Needs of the West." Testimony was received from: Mr. William Parrish, Acting Assistant Secretary for Information Analysis, Department of Homeland Security; Mr. Larry Todd, Director of Security, Safety and Law Enforcement, Bureau of Reclamation, Department of the Interior; Col. (Ret.) Jerry Bussell, Special Advisor to the Governor on Homeland Security, State of Nevada; Mr. David Sheppard, Head of Security, Venetian Resort; Mr. Randy Walker, Aviation Director, Clark County Department of Aviation, Clark County, Nevada; Dr. Dale Carrison, Emergency Department Medical Director, University Medical Center Trauma Center, Las Vegas, Nevada; Mr. Bill Conger, Deputy Chief, Las Vegas Metropolitan Police Department; Mr. Frank Navarrete, Director, Office of Homeland Security, State of Arizona.

Office of Information Analysis Threat Assessment Role

The Homeland Security Act of 2002 (P.L. 107-296), and a subsequent Memorandum of Understanding entered into by all relevant Federal agencies, mandated routine sharing of homeland security-related information (including classified information, where appropriate) between and among Federal, State and local officials, and requires the Department of Homeland Security to access and analyze information from all Federal, State, and local government agencies, as well as from the private sector, in order to assess the nature and scope of terrorist threats to the United States and to evaluate those threats in light of U.S. vulnerabilities. Through a series of briefings at the staff level during the 108th Congress, the Subcommittee conducted significant oversight as to whether the Department is getting routine intelligence for analysis from all elements of the Intelligence Community, and how the creation of the Terrorist Threat Integration Center (TTIC) outside of DHS, and subsequently, the National Counterterrorism Center, has or will impact the Department's ability to carry out its statutory mandates in this area. Subcommittee Members and Committee staff also received routine, classified threat briefings from the DHS Office of Information Analysis between May and December 2004.

Based on this oversight, the Full Committee and Subcommittee Chairmen developed and introduced legislation as part of the overall effort to develop a Fiscal Year 2005 Department of Homeland Security authorization bill, that would require the improvement of secure communications and information technology infrastructure to provide for increased speed and flexibility of information sharing. This legislation, H.R. 4930, the "Homeland Security Information Sharing and Analysis Enhancement Act of 2004" would strengthen the requirement that the Department receives from the

Intelligence Community immediate and automatic access to information related to threats of terrorist attacks against the United States, and that, except where specifically agreed, the Intelligence Community cannot satisfy this obligation merely by providing the information to TTIC.

Terrorist Screening Center

On September 16, 2003, President Bush issued Homeland Security Presidential Directive 6 (HSPD-6), creating the Terrorist Screening Center (TSC) to integrate government watch lists and provide operational support to Federal, State and local agencies around the country. The Subcommittee actively reviewed, through briefings and hearings, the progress of the TSC during the 108th Congress. The Subcommittee focused on efforts to integrate and reconcile the various databases and sources of the various Federal agencies, and the ability of the TSC to provide rapid and accurate information to Federal, State, and local authorities.

Subcommittee staff received briefings in December 2003 and January 2004 to monitor progress, and on March 25, 2004, the Subcommittee on Intelligence and Counterterrorism and the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary held a joint hearing entitled "Progress in Consolidating Terrorist Watchlists—the Terrorist Screening Center (TSC)." Testimony was received from Donna A. Bucella, Director, Terrorist Screening Center, Federal Bureau of Investigation; Mr. Charlie Bartoldus, Director of the National Targeting Center, Customs and Border Protection, Department of Homeland Security; Mr. Jim McMahon, Director, Office of Public Security, State of New York; and Mr. Jerry Berman, President, Center for Democracy and Technology and Member, Markle Foundation Task Force on National Security in the Information Age. The hearing reviewed the progress to date of the TSC, and its integration with the operations and screening conducted by the Department of Homeland Security.

Open-Source Intelligence

During the 108th Congress, the Subcommittee examined the potential benefits of open-source intelligence and related information to our Nation's War on Terrorism, and the lack of a single, reliable, comprehensive, and accessible system to provide such information to Federal, State, and local officials protecting the homeland. As part of this effort, on December 29, 2003, the Chairman of the Subcommittee on Intelligence and Counterterrorism sent an oversight letter to the Undersecretary for Information Analysis and Infrastructure Protection emphasizing the importance of Open-Source Intelligence (OSINT) and the need for a more domestically focused OSINT effort as a compliment to the Foreign Broadcast Information Service. A similar recommendation was included in National Commission on Terrorist Attacks Upon the United States (9/11 Commission) report issued in July 2004.

*Information Analysis and Infrastructure Protection Directorate
Budget*

During the 108th Congress, the Subcommittee closely reviewed the Fiscal Year 2005 proposed budget for the Information Analysis and Infrastructure Protection (IAIP) Directorate of the Department of Homeland Security. In addition to several briefings on this topic in February 2004, the Subcommittee on Intelligence and Counterterrorism held a joint hearing on March 4, 2004, with the Subcommittee on Infrastructure and Border Security, entitled “The Department of Homeland Security’s Information Analysis and Infrastructure Protection Budget Proposal for Fiscal Year 2005.” Testimony was received from the Honorable Frank Libutti, Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security. The hearing reviewed the proposed Fiscal Year 2005 budget plans and authorization needs for IAIP, in light of its responsibilities under the Homeland Security Act of 2002 (P.L. 107–296), and to examine the Department’s current initiatives and future plans for IAIP.

In addition, on March 10, 2004, the Subcommittee on Intelligence and Counterterrorism held a hearing entitled “The Department of Homeland Security Proposed Information Analysis Budget for Fiscal Year 2005.” Testimony was received from Lieutenant General Patrick Hughes (Ret.), Assistant Secretary for Information Analysis, Department Homeland Security. The hearing reviewed the budget plans and authorization needs for the Office of Information Analysis (IA), and to examine the Department’s current initiatives and future plans in the information analysis and sharing area. Since much of the IA budget is classified, only the unclassified portions were examined during the public hearing. Subcommittee staff received a briefing on the classified portion separately on March 19, 2004.

Threat Advisories

Under the Homeland Security Act of 2002 (P.L. 107–296) and a subsequent Memorandum of Understanding between the relevant Federal agencies, the Department of Homeland Security is given primary responsibility for the issuance and coordination of Federal threat advisories and recommended protective actions with respect to potential acts of terrorism within the United States. As part of the Committee’s oversight in this area, the Chairman of the Subcommittee on Intelligence and Counterterrorism joined with the Chairman of the Full Committee on April 8, 2004, and sent a letter to the Secretary of the Department of Homeland Security requesting information relating to the coordination between the Federal Bureau of Investigation (FBI) and the Department of Homeland Security with respect to the issuance of threat advisories, focusing on a March 24, 2004 advisory issued by the FBI. Committee staff received several briefings on this topic in response to this letter and other related events, examining the process by which DHS and the FBI consider threat information and collaborate on advisories, and the methods by which this information is disseminated to the proper authorities, including critical infrastructure owners and operators and private-sector representatives.

DHS Intelligence Operations

During the 108th Congress, the Subcommittee reviewed the various intelligence units and offices within the Department of Homeland Security, to examine the level of coordination and integration in their operations and activities. Between May and September 2004, Committee staff met with and received briefings from the intelligence operations of the following DHS elements on one or more occasions: the Transportation Security Administration, the U.S. Coast Guard, the Bureau of Customs and Border Protection (including the National Targeting Center), the Bureau of Immigration and Customs Enforcement, the Office of Information Analysis, and the Homeland Security Operations Center. In addition, Committee staff met with representatives from the Human Smuggling and Trafficking Center, which is an interagency effort of the Departments of Homeland Security, Justice, and State, to examine the sharing of intelligence information between the Center and various DHS operational elements.

Personnel and Hiring Issues

The Subcommittee conducted extensive oversight regarding personnel and hiring issues with the Information Analysis and Infrastructure Protection (IAIP) Directorate. As part of this review, Committee staff received several briefings on the Directorate's efforts to fill its numerous vacancies, and examined issues relating to the use of contractors, competition from other intelligence agencies, and the security clearance process. With respect to the security clearance process, the Subcommittee reviewed alternatives to the Office of Personnel Management (OPM) process, and how the Department could utilize its own law enforcement entities to help speed security investigations for IAIP personnel. Consistent with the oversight efforts, OPM subsequently gave the Department permission to use its own law enforcement agencies to assist with the clearance process on a temporary basis.

The Subcommittee also examined the efforts of IAIP to develop a comprehensive workforce plan for Department intelligence analysts, and whether the Directorate needed additional flexibility with respect to personnel recruitment and retention. This oversight led the Subcommittee and Full Committee Chairmen to include in H.R. 4930, the "Homeland Security Information Sharing and Analysis Enhancement Act of 2004," as part of the overall effort to develop a Fiscal Year 2005 Department of Homeland Security authorization bill, a provision which would help IAIP recruit full-time employees by providing temporary authorities for the payment of enhanced recruitment bonuses and a waiver of restrictions associated with the re-employment of Federal annuitants.

Terrorist Travel

As part of the Committee's oversight relating to the report and recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), Committee staff conducted numerous site visits and briefings to examine, among other issues, the sharing and analysis of intelligence information relating to terrorist travel. In addition, on September 30, 2004, the Sub-

committee on Intelligence and Counterterrorism and the Subcommittee on Infrastructure and Border Security held a joint hearing entitled “Disrupting Terrorist Travel: Safeguarding America’s Borders Through Information Sharing.” Testimony was received from Lt. General Patrick Hughes (Ret.), Assistant Secretary, Information Analysis, Department of Homeland Security; the Honorable C. Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Policy and Planning, Department of Homeland Security; and Dr. Lawrence M. Wein, Professor, Graduate School of Business, Stanford University. The hearing reviewed the need for the Department to continue to develop and expand its ability to analyze terrorist techniques, patterns, indicators, and trends, and to share such information in a timely manner to enable front-line Department personnel to identify, intercept, and disrupt terrorists attempting to travel into and within the United States. The hearing also examined the sufficiency of the technologies used in the US-VISIT program. This oversight led to the development and introduction of legislative provisions to enhance DHS efforts in this area, which were included as part of S. 2845, the “Intelligence Reform and Terrorism Prevention Act of 2004” (see Legislative Activity section).

National Guard Support for the Global War on Terrorism

As part of the Committee’s oversight of Department of Defense homeland security activities, on October 15, 2003, Members of the Subcommittee on Intelligence and Counterterrorism traveled to the Army National Guard Readiness Center in Arlington, Virginia, where they received a briefing on National Guard Bureau support to the Global War on Terrorism, including a homeland defense update, and Continental United States (CONUS) counter-terrorism efforts.

SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM
HEARINGS HELD

Does the Homeland Security Act of 2002 Give the Department the Tools It Needs to Determine Which Bio-Warfare Threats Are Most Serious? Joint hearing with the Subcommittee on Emergency Preparedness and Response. Hearing held on June 5, 2003. PRINTED, Serial No. 108–8.

Improvements to Department of Homeland Security Information Sharing Capabilities—Vertical and Horizontal Intelligence Communications. Hearing held on July 24, 2003. PRINTED, Serial No. 108–21.

Addressing the Security Needs of the West. Hearing held on August 21, 2003. PRINTED, Serial No. 108–22.

The Department of Homeland Security’s Information Analysis and Infrastructure Protection Budget Proposal for Fiscal Year 2005. Joint hearing held with the Subcommittee on Infrastructure and Border Security. Hearing held on March 4, 2004. PRINTED, Serial No. 108–39.

The Department of Homeland Security Proposed Information Analysis Budget for Fiscal Year 2005. Hearing held on March 10, 2004. PRINTED, Serial No. 108–40.

Progress in Consolidating Terrorist Watchlists—the Terrorist Screening Center (TSC). Joint hearing with the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security. Hearing held on March 25, 2004. PRINTED, Serial No. 108–43). (Printed by the Committee on the Judiciary, Serial No. 86).

Disrupting Terrorist Travel: Safeguarding America’s Borders Through Information Sharing. Joint hearing with the Subcommittee on Infrastructure and Border Security. Hearing held on September 30, 2004. PRINTED, Serial No. 108–60.

SUBCOMMITTEE ON RULES

LINCOLN DIAZ-BALART, Florida, *Chairman*

JENNIFER DUNN, Washington	LOUISE MCINTOSH SLAUGHTER, New York
F. JAMES SENSENBRENNER, Wisconsin	BENNIE G. THOMPSON, Mississippi
DAVID DREIER, California	LORETTA SANCHEZ, California
CURT WELDON, Pennsylvania	ZOE LOFGREN, California
JOHN LINDER, Georgia	KAREN MCCARTHY, Missouri
PETE SESSIONS, Texas	BEN CHANDLER, Kentucky
<i>Vacancy</i>	JIM TURNER, Texas, <i>ex officio</i>
CHRISTOPHER COX, California, <i>ex officio</i>	

Jurisdiction: study of the operation and implementation of the House Rules with respect to homeland security; examination of jurisdictional disputes and overlap related to the Department of Homeland Security, and homeland security in general; consideration of changes to the House Rules, pursuant to Section 4(b)(3) of H. Res. 5, necessary to ensure effective oversight of the Department of Homeland Security, and homeland security in general; relevant oversight.

During the 108th Congress, the Subcommittee on Rules examined the existing committee structure and jurisdiction of the House of Representatives with respect to homeland security matters. The Subcommittee also examined past House practices for guidance with respect to the Subcommittee's mission. The Subcommittee conducted a series of hearings to gain perspectives on House reform, receiving testimony on this subject and ideas for reform from over 25 expert witnesses at four hearings, including former Speakers of the House, former Committee chairmen, current Committee chairmen, outside academics, the first Secretary of Energy, and the House Parliamentarian. A summary of these hearings and related activity is described below.

Lessons From the Past

On May 19, 2003, the Subcommittee on Rules held a hearing entitled "Perspectives on House Reform: Lessons from the Past." Testimony was received from: the Honorable Charles Johnson, Parliamentarian, U.S. House of Representatives; Norman Ornstein, American Enterprise Institute for Public Policy Research; and Thomas Mann, the Brookings Institution. Through this hearing, the Subcommittee examined past House practices and relevant lessons for the Subcommittee's mission.

Committees and the Executive Branch

On July 10, 2003, the Subcommittee held a hearing entitled "Perspectives on House Reform: Committees and the Executive Branch." Testimony was received from: the Honorable James Schlesinger, Chairman, Mitre Corporation, former Secretary of Energy, Secretary of Defense, and Director of Central Intelligence; Dr. David King, Associate Professor of Public Policy, the Kennedy School of Government, Harvard University; Dr. James A. Therber,

Professor and Director, Center for Congressional and Presidential Studies, School of Public Affairs, American University; and Mr. Donald Wolfensberger, Director, Congress Project, Woodrow Wilson International Center for Scholars. This Subcommittee hearing focused on recommendations from outside experts, including testimony from the first Secretary of Energy, Dr. James Schlesinger.

Former House Leaders

On September 9, 2003, the Subcommittee on Rules held a hearing entitled “Perspectives on House Reform: Former House Leaders.” Testimony was received from the Honorable Newt Gingrich, former Speaker of the House; the Honorable Robert S. Walker, former Representative from the Commonwealth of Pennsylvania (January 3, 1977–January 3, 1997) and former Chairman, Committee on Science; and the Honorable Lee Hamilton, former Representative from the State of Indiana (January 3, 1965–January 3, 1999) and former Chairman of the Select Committee on Intelligence and the Committee on Foreign Affairs.

At this third Subcommittee hearing, the Subcommittee received testimony from four of the most knowledgeable former Members of Congress with respect to House Rules and the management of the House of Representatives, as they pertain to homeland security jurisdictional reform.

Homeland Security Jurisdiction: Committee Leaders

On March 24, 2004, the Subcommittee on Rules held a hearing entitled “Homeland Security Jurisdiction: The Perspective of Committee Leaders.” Testimony was received from the Honorable Bob Goodlatte, Chairman, Committee on Agriculture; the Honorable Charles W. Stenholm, Ranking Member, Committee on Agriculture; the Honorable Joe Barton, Chairman, Committee on Energy and Commerce; the Honorable John D. Dingell, Ranking Member, Committee on Energy and Commerce; the Honorable Tom Davis, Chairman, Committee on Government Reform; the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform; the Honorable F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary; the Honorable James L. Oberstar, Ranking Member, Committee on Transportation and Infrastructure; the Honorable John Mica, Chairman, Subcommittee on Aviation, Committee on Transportation and Infrastructure; the Honorable William M. Thomas, Chairman, Committee on Ways and Means; the Honorable Porter Goss, Chairman, Permanent Select Committee on Intelligence; and the Honorable Jane Harman, Ranking Member, Permanent Select Committee on Intelligence.

Additional statements were received from: the Honorable C.W. Bill Young, Chairman, Committee on Appropriations; the Honorable Michael G. Oxley, Chairman, Committee on Financial Services; the Honorable Barney Frank, Ranking Member, Financial Services; the Honorable Henry J. Hyde, Chairman, Committee on International Relations; the Honorable Tom Lantos, Ranking Member, Committee on International Relations; the Honorable Sherwood Boehlert, Chairman, Committee on Science; the Honorable Bart Gordon, Ranking Member, Committee on Science; the Honor-

able Don Young, Chairman, Committee on Transportation and Infrastructure; and the Honorable Charles B. Rangel, Ranking Member, Committee on Ways and Means.

The Chairmen and Ranking Members of the Standing Committees of the House of Representatives provided their views with respect to potential jurisdictional changes in Rule X of the Rules of the House of Representatives as they relate to the Department of Homeland Security and homeland security matters generally.

In preparation for this hearing, Subcommittee staff also met with the staff of committees that might be most affected by jurisdictional changes to discuss their concerns. From December 2003 to February 2004, Subcommittee staff, on a bipartisan basis, met with representatives from the following House committees: Transportation and Infrastructure; Agriculture; Government Reform; Ways and Means; Judiciary; Financial Services; International Relations; Armed Services; Science; Energy and Commerce; and Appropriations.

SUBCOMMITTEE ON RULES HEARINGS HELD

Perspectives on House Reform: Lessons from the Past. Hearing held on May 19, 2003. PRINTED—Serial No. 108–5.

Perspectives on House Reform: Committees and the Executive Branch. Hearing held on July 10, 2003. PRINTED, Serial No. 108–15.

Perspectives on House Reform: Former House Leaders. Hearing held on September 9, 2003. PRINTED—Serial No. 108–24.

Homeland Security Jurisdiction: The Perspective of Committee Leaders. Hearing held on March 24, 2004. PRINTED—Serial No. 108–42.

RECOMMENDATIONS OF THE SELECT COMMITTEE ON HOMELAND SECURITY ON CHANGES TO THE RULES OF THE HOUSE OF REPRESENTATIVES WITH RESPECT TO HOMELAND SECURITY ISSUES

The Need for a Permanent Standing Committee on Homeland Security

The 9/11 terrorists exploited longstanding policy, structural, and programmatic gaps in America's homeland security caused by the separation of foreign from domestic intelligence, the division of "national security" and "law enforcement" information and activities, and the stove-piped and uncoordinated nature of our multi-agency border and transportation security systems. Since then, Congress and the President have collaborated in a fundamental re-focusing of executive branch agencies to close those gaps, particularly by creating the Department of Homeland Security (DHS), but also through a wide variety of other initiatives, such as the Terrorist Threat Integration Center (TTIC), the Terrorist Screening Center (TSC), and the proposed National Intelligence Director (NID) and National Counterterrorism Center (NCTC).

Despite this significant Executive Branch reorganization, Congressional structures remain almost the same as they were before the 9/11 attacks. Scores of committees and subcommittees of the Congress have some claim to jurisdiction over various elements of the Department of Homeland Security (DHS), with six standing committees claiming some jurisdiction over critical border security functions of the Department. This creates chaos for the Department. Since January 2004, senior officials from the Department have had to testify at more than 160 Congressional hearings—an average of 20 each month.

Creating a permanent standing Committee on Homeland Security, commencing in the 109th Congress, is necessary if the House of Representatives is effectively to meet its legislative and oversight responsibilities with respect to homeland security programs and activities, particularly those of DHS. The current diffused and unfocused congressional jurisdiction over the Department of Homeland Security, and homeland security in general, not only imposes extraordinary burdens on the Department, but makes it far more difficult for the Congress to guide the Department's activities in a consistent and focused way that promotes integration and eliminates programmatic redundancies, and advances implementation of a coherent national homeland security strategy. Current legislative "silos" foster—and, if left unchanged, will continue to foster—fragmentation within DHS as it struggles to build a new common culture focused squarely on the homeland security mission.

For these reasons, not only the 9/11 Commission, but virtually every other commission and outside expert has recognized that effective and efficient legislation and oversight with respect to homeland security requires congressional reorganization that vests in a

single standing committee in each chamber jurisdiction that parallels the homeland security mission of preventing, preparing for, and responding to acts of terrorism in the United States. A select committee, while appropriate in certain situations, would not be conducive to fostering the clear lines of accountability and responsibility that are necessary when dealing with the variety and cross-cutting nature of homeland security programs and activities situated largely in a single Department.

The success of this endeavor requires that the new standing committee have legislative and oversight jurisdiction broad enough to ensure that it can take a holistic approach toward homeland security issues, and that the unnecessarily heavy burden the Department of Homeland Security now bears in interacting with a vast array of committees and subcommittees in both Houses of the Congress is drastically reduced.

In carrying out this consolidation, it is important to craft the right balance between the jurisdiction of the new standing Committee on Homeland Security and that of existing committees. The Homeland Security Act of 2002 offers a congressionally-created road map to jurisdictional reform that focuses on the structure, organization, capabilities, and mission of the Department itself. The House must reorganize the committee structure so that the new homeland security mission is provided sustained and consistent attention.

Recommendations on Changes to Rule X With Respect to Homeland Security

Pursuant to House Resolution 5, the Select Committee on Homeland Security makes the following recommendations for changes to Rule X regarding the reorganization of jurisdiction within the House with respect to homeland security matters:

RULE X—ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of Rule XII, as follows:

- (a) Committee on Agriculture. [No changes].
- (b) Committee on Appropriations. [No changes].
- (c) Committee on Armed Services. [No changes].
- (d) Committee on the Budget. [No changes].
- (e) Committee on Education and the Workforce. [No changes].
- (f) Committee on Energy and Commerce. Add at end: “In the case of each of the foregoing, the committee’s jurisdiction shall not include responsibilities of the Department of Homeland Security.”
- (g) Committee on Financial Services. Add at end: “In the case of each of the foregoing, the committee’s jurisdiction shall not include responsibilities of the Department of Homeland Security.”
- (h) Committee on Government Reform. [No changes].

- (i) Committee on House Administration. [No changes].
 - (j) Committee on International Relations. Add at end: "In the case of each of the foregoing, the committee's jurisdiction shall not include responsibilities of the Department of Homeland Security."
 - (k) Committee on the Judiciary.
 - (8) Immigration and naturalization (except for Department of Homeland Security responsibility for security of United States borders and ports of entry, including the Department's responsibilities for visas and other forms of permission to enter the United States, and immigration enforcement).
 - (18) Subversive activities affecting the internal security of the United States (except for responsibilities of the Department of Homeland Security).
 - (l) Committee on Resources. [No changes].
 - (m) Committee on Rules. [No changes].
 - (n) Committee on Science. [No changes].
 - (o) Committee on Small Business. [No changes].
 - (p) Committee on Standards of Official Conduct. [No changes].
 - (q) Committee on Transportation and Infrastructure.
 - (1) Non-homeland security missions of the Coast Guard, including lifesaving service, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy.
 - (2) Federal management of natural disasters.
 - (18) Related transportation regulatory agencies (except for responsibilities of the Department of Homeland Security).
 - (20) Transportation, including railroads, water transportation, transportation safety (except automobile safety), transportation infrastructure, transportation labor, and railroad retirement and unemployment (except revenue measures related thereto); in each case exclusive of the responsibilities of the Department of Homeland Security.
 - (22) Civil aviation, including safety and commercial impact of security measures.
 - (r) Committee on Veterans' Affairs. [No changes].
 - (s) Committee on Ways and Means.
 - (1) Customs revenue functions, including with respect to collection districts and ports of entry and delivery.
- General oversight responsibilities. [No changes].
 Special oversight functions. [No changes].

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Permanent Select Committee on Intelligence.

11. (a)(1) There is established a Permanent Select Committee on Intelligence (hereafter in this clause referred to as the "select committee"). The select committee shall be composed of not more than 18 Members, Delegates, or the Resident Commissioner, of whom not more than 10 may be from the same party. The select committee shall include at least one Member, Delegate, or the Resident Commissioner from each of the following committees:
- (A) the Committee on Appropriations;
 - (B) the Committee on Armed Services;
 - (C) the Committee on Homeland Security;
 - (D) the Committee on International Relations; and
 - (E) the Committee on the Judiciary.

Committee on Homeland Security.

12. (a)(1) There is hereby established a permanent standing Committee on Homeland Security (hereafter in this clause referred to as the “committee”), which shall be composed of not more than 29 Members, Delegates, or the Resident Commissioner, of whom not more than 16 may be from the same party.

(2) The Speaker and the Minority Leader shall be ex officio members of the committee but shall have no vote in the committee and may not be counted for purposes of determining a quorum thereof.

(3) The Speaker and Minority Leader each may designate a member of his leadership staff to assist him in his capacity as ex officio member, with the same access to committee meetings, hearings, briefings, and materials as employees of the committee and subject to the same security clearance and confidentiality requirements as employees of the committee under applicable Rules of the House.

(b) There shall be referred to the committee proposed legislation, messages, petitions, memorials, and other matters related to—

(1) Homeland security generally.

(2) The Department of Homeland Security (except with respect to Federal management of natural disasters, the non-homeland security missions of the Coast Guard, and immigration and naturalization matters unrelated to homeland security).

(3) The integration, analysis, and sharing of homeland security information related to the risk of terrorism within the United States.

(4) The dissemination of terrorism threat warnings, advisories, and other homeland security-related communications to State and local governments, the private sector, and the public.

(5) Department of Homeland Security responsibility for research and development in support of homeland security, including technological applications of such research.

(6) Department of Homeland Security responsibility for security of United States borders and ports of entry (unrelated to customs revenue functions), including the Department’s responsibilities related to visas and other forms of permission to enter the United States.

(7) Enforcement of Federal immigration laws (except for responsibilities of the Department of Justice).

(8) Security of United States air, land, and maritime transportation systems.

(9) Customs functions, other than customs revenue functions.

(10) Department of Homeland Security responsibility for Federal, State, and local level preparation to respond to acts of terrorism.

(c) In addition to the general oversight responsibilities described in clause 2, the committee shall review, study, and coordinate on a continuing basis laws, programs, and Government activities related to all aspects of homeland security.

(d) The committee shall have exclusive authorizing and primary oversight jurisdiction with respect to the Department of Homeland Security's responsibilities and activities related to the prevention of, preparation for, and response to acts of terrorism within the United States. The committee also shall have jurisdiction over the other responsibilities and activities of the Department of Homeland Security, except as specified in subsection (b) (2).

(e) Subject to the Rules of the House, funds may not be appropriated for a fiscal year, with the exception of a bill or joint resolution continuing appropriations, or an amendment thereto, or a Conference report thereon, to, or for use of, the Department of Homeland Security to prevent, prepare for, or respond to acts of terrorism in the United States, unless the funds shall previously have been authorized by a bill or joint resolution passed by the House during the same or preceding fiscal year to carry out such activity for such fiscal year.

(f) No referrals of legislation, executive communication, or any other action taken in the 108th Congress with regard to the Select Committee on Homeland Security or any other committee of the House shall be considered to be a precedent for referrals of any homeland security-related measures in the current Congress.

A P P E N D I C E S

APPENDIX I—RULES OF PROCEDURE FOR THE HOUSE SELECT COMMITTEE ON HOMELAND SECURITY

Rules of Procedure Adopted March 4, 2003,

1. CONVENING OF MEETINGS

The regular meeting date and time for the transaction of business of the Select Committee on Homeland Security (the Committee) shall be at 9 o'clock a.m. on the first Friday of each month, unless otherwise directed by the Chairman.

The date, time, place and subject matter of any hearing of the Committee shall, except as provided elsewhere in these rules, be announced at least one week in advance of the commencement of such hearing. The notice requirement may be abridged or waived in extraordinary circumstances, as determined by the Chairman with the concurrence of the Ranking Minority Member.

The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance for a meeting taking place on a day the House is in session, and 72 hours in advance of a meeting taking place on a day the House is not in session, except in the case of a special meeting called under Clause 2(c)(2) of House Rule XI.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the Chairman and Ranking Minority Member, designated majority and minority committee staff, respectively, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee Members in preparation for such meeting and to recommend any matter which the Committee Members might wish considered during any meeting. Such briefing shall, at the request of a Member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

3. MEETING PROCEDURES

Meetings of the Committee shall be open to the public except that a meeting or any portion thereof may be closed to the public if the Committee determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken on such matters would endanger national security, would compromise sensitive law enforcement information,

would tend to defame, degrade or incriminate any person, or otherwise would violate any rule of the House. The determination whether any such discussion or testimony, or papers and other materials in connection therewith, shall be presented in open or executive session shall be made by the Chairman in conformity with the rules of the House and these rules. Opening statements at any hearing, mark-up, or other meeting of the Committee or any subcommittee may be given by any Member who is present within five minutes after the hearing, mark-up, or other meeting is called to order, in his or her discretion, in each case not to exceed three minutes. With the consent of the Committee, prior to the recognition of the first witness for testimony, any Member, when recognized for opening statement, may completely defer his or her three-minute opening statement and instead use those three minutes during the initial round of witness questioning.

One-third of the Members of the Committee shall constitute a quorum for the transaction of business, except in the following circumstances, in which a quorum shall be a majority of the Committee: ordering a report; entering executive session; releasing executive session material; issuing a subpoena; immunizing a witness; and reporting contempt. Two Members shall constitute a quorum for the purpose of holding hearings to take testimony and receive evidence.

In full Committee or subcommittee, the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter, or any amendment thereto. If at the time of the approval of a measure or a matter by the Committee a Member of the Committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that Member shall be entitled to not less than three additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by the Member, with the Clerk of the Committee.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice. Reasonable notice shall be given to all witnesses appearing before the Committee.

Oath or Affirmation. Testimony of witnesses shall be given under oath or affirmation which may be administered by the Chairman or his designee, except that the Chairman of the Committee may

not require an oath or an affirmation where the Chairman determines that it would not be appropriate under the circumstances.

Questioning of Witnesses. Committee questioning of witnesses shall be conducted by Members of the Committee and such committee staff as are authorized by the Chairman or presiding Member. In the course of any hearing, each Member shall be allowed five minutes for the questioning of a witness until such time as each Member who so desires has had an opportunity to question the witness. The Chairman, or the Committee by motion, may permit an equal number of majority and minority Members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side. The Chairman, or the Committee by motion, may permit Committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

Counsel for the Witness. Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may notify the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

Statements by Witnesses. A witness may make a statement, which shall be brief and relevant, at the beginning of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding Member. Any witness desiring to submit a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so no less than 72 hours in advance of the witness' appearance before the Committee.

Objections and Ruling. Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding Member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present fails to sustain the ruling of the chair.

Transcripts. A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing.

Inspection and Correction. All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Such counsel shall have the appropriate clearance necessary to review any classified aspect of the transcript. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of

the public record shall be made available to that witness at the witness' expense.

Minority Witnesses. Whenever a hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party Members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority Members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

Contempt Procedures. No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt, prior to a vote of all the committee, a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Committee.

Closing Hearings. Hearings of the Committee shall be open to the public unless closed in accordance with Clause 2(g) or 2(k) of House Rule XI.

5. SUBPOENAS, SUBPOENAS DUCES TECUM, AND AFFIDAVITS

Unless otherwise determined by the Committee, the Chairman, upon consultation with the Ranking Minority Member, shall authorize and issue subpoenas. In addition, the Committee may itself vote to authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Chairman. Subpoenas shall be issued under the Chairman's signature or that of a Member designated by the Committee.

Provisions may be included in a subpoena, by concurrence of the Chairman and Ranking Minority Member, or by the Committee, to prevent the disclosure of Committee demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Committee inquiries.

A subpoena duces tecum may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting.

Requests for investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the federal government, shall be made by the Chairman, upon consultation with the Ranking Minority Member, or by the Committee. The Chairman or the Committee may require any person who is unavailable to testify as a witness at any hearing to submit an affidavit comprising such person's sworn testimony for use at such hearing.

6. STAFF

Members of the committee staff shall work collegially, with discretion, and always with the best interests of the national security foremost in mind. Committee business shall whenever possible,

take precedence over other official and personal business. For the purpose of these rules, Committee staff means the employees of the Committee, consultants to the Committee, and any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee, including detailees to the extent necessary to fulfill their designated roles. All such persons shall be subject to the same security clearance and confidentiality requirements as employees of the Committee under this rule.

Committee staff shall be either majority, minority, or joint. Majority staff shall be designated by and assigned to the Chairman. Minority staff shall be designated by and assigned to the Ranking Minority Member. Joint Committee staff shall be designated by the Chairman, in consultation with the Ranking Minority Member, and assigned to service of the full Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking minority Member and joint staff appointments, to the Clerk of the House in writing, and such certification shall be submitted to the Committee for approval by majority vote.

The joint Committee staff works for the Committee as a whole, under the supervision and direction of the Chairman and Ranking Minority Member of the Committee. Except as otherwise provided by the Committee, the duties of joint Committee staff shall be performed and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direction supervision and control of the Staff Director. Majority and minority staff appointed by the Chairman and Ranking Minority Member, respectively, shall be subject to the same operational control and supervision concerning security and classified documents and material as are joint Committee staff.

Members of the Committee staff shall not discuss or divulge (a) either the classified substance or procedure of the work of the Committee, (b) any classified information which comes into such person's possession while a member of the Committee staff, or (c) any classified information which comes into such person's possession by virtue of his or her position as a member of the Committee staff, with any person except a Member of the Committee, for any purpose, or in connection with any proceeding, judicial or otherwise, either during or after the person's tenure as a Member of the Committee staff, except on a need-to-know basis, as determined by the Committee, and in such manner as may be determined by the House or by the Committee.

No member of the Committee staff shall be employed by the Committee unless and until such person agrees in writing, as a condition of employment, to notify the Committee, or, after the Committee's termination, the House, of any request for testimony, either while a member of the Committee staff or at any time thereafter, with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the Committee staff. Such classified information shall not be disclosed in response to such requests except as authorized by the Committee, or, after the termination of the Committee, in such manner as may be determined by the House.

No member of the Committee staff shall divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless directed to do so by the Committee.

The Committee shall immediately consider disciplinary action in the event any member of the Committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House.

7. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL AND OTHER INFORMATION

(a) Committee staff offices, including majority and minority offices, shall operate under strict security precautions administered by the Director of Security of the Committee. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office, all persons shall identify themselves.

(b) Sensitive or classified documents shall be segregated in a secure storage area under the supervision of the Security Director. They may be examined only in an appropriately secure manner. Copying, duplicating, or removal from the secure area of the Committee's offices of such documents and other materials is prohibited except with leave of the Chairman and Ranking Minority Member for use in furtherance of Committee business. No classified documents shall be maintained or stored in the majority or minority offices. Classified information in any form that is not obtained in Committee hearings and is not the property of the Committee or the House shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records which are classified.

(c) All Members of the Committee shall at all times have access to all records of Committee hearings and all other records, data, charts, and files that are the property of the Committee. In the case of any such materials that are classified, the Security Director shall be responsible for the maintenance, under appropriate security procedures, of a registry, which will number and identify all classified papers and other classified materials in the possession of the Committee. Such registry shall also be available to any Member of the Committee.

(d) Members who are not Members of the Committee shall have access to all Committee records as described in paragraph (c), in the same manner and subject to the same conditions and restrictions as Members of the Committee.

(e) Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and under the Committee's direction, the Staff Director.

No Member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not

a Member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the Committee except as authorized by the Committee in a manner consistent with the provisions of these rules, or, after the termination of the Committee, in such manner as may be determined by the House.

Before the Committee makes any decision regarding any request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, Committee Members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the Committee.

(f) Before a Member, officer, or employee of the Committee may have access to classified information, the following oath (or affirmation) shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Select Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the Committee. The Clerk shall make signatures a matter of public record, causing the names of each Member who has signed the oath to be available each day for public inspection in an appropriate office of the Committee offices.

SUBCOMMITTEES

(a) There shall be five standing subcommittees of the Committee, with jurisdiction as follows:

(1) Subcommittee on Infrastructure and Border Security: border security including prevention of importation of illicit weapons, pathogens, narcotics, and other contraband; illegal entry by foreign nationals; land borders, ports, and airspace; integration of federal, state, and local immigration law enforcement; protection of highways, bridges, waterways, airports and air transportation, energy supplies, and other critical infrastructure from attack; preservation of critical government, business, and financial institutions; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(2) Subcommittee on Rules: study of the operation and implementation of the House Rules with respect to homeland security; examination of jurisdictional disputes and overlap related to the Department of Homeland Security, and homeland security in general; consideration of changes to the House Rules, pursuant to Section 4(b)(3) of H. Res. 5, necessary to ensure effective oversight of the Department of Homeland Security, and homeland security in general; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(3) Subcommittee on Emergency Preparedness and Response: preparation for and response to chemical, biological, radiological, and other attacks on civilian populations; protection of physical infrastructure and industrial assets against terrorist attack; issues related to liability arising from terrorist attack; public health issues related to such attacks; disaster preparedness; coordination of emergency response with and among state and local governments and the private sector; homeland security technology; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(4) Subcommittee on Cybersecurity, Science, and Research & Development: security of computer, telecommunications, information technology, industrial control, electric infrastructure, and data systems, including science, research and development related thereto; protection of government and private networks and computer systems from domestic and foreign attack; prevention of injury to civilian populations and physical infrastructure caused by cyber attack; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(5) Subcommittee on Intelligence and Counterterrorism: prevention and interdiction of terrorist attacks on American territory; liaison and integration of the Department of Homeland Security with the intelligence community and law enforcement; collection, analysis, and sharing of intelligence among agencies and levels of government as it relates to homeland security; threat identification, assessment and prioritization; integration of intelligence analysis, and sharing of intelligence, with and among federal, state, and local law enforcement; preservation of civil liberties, individual rights, and privacy; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(b) Bills, resolutions, and other matters shall be referred by the Chairman to the appropriate subcommittee within two weeks of receipt by the Committee for consideration or investigation in accordance with its fixed jurisdiction. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the Chairman may refer the matter as he deems advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the Chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement on the matter. In a subcommittee having an even number of Members, if there is a tie vote with all Members voting on any measure, the measure shall be placed on the agenda for full Committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

(c) The full Committee shall have general jurisdiction over all programs and activities of the Department of Homeland Security, liaison between homeland security agencies and programs throughout the federal government, and the Department of Homeland Security, state and local homeland security, and such other matters within the jurisdiction of each subcommittee as may be referred directly to the full Committee by the Chairman.

(d) The Chairman and Ranking Minority Member of the Committee shall be ex officio Members of each subcommittee to which they have not been assigned by resolution of the Committee.

9. LEGISLATIVE CALENDAR

The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be furnished to each Member of the Committee.

10. COMMITTEE TRAVEL

No Member of the Committee or Committee staff shall travel on Committee business unless specifically authorized by the Chairman or Ranking Minority Member, respectively. Requests for authorization of such travel shall state the purpose and extent of the trip, together with itemized expenses anticipated thereon. No preliminary arrangements for foreign travel shall be undertaken by any Committee Member unless such travel has been authorized in writing by the Chairman. A report on all foreign travel shall be filed with the Committee Clerk within sixty calendar days of the completion of said travel. The report shall contain a description of all issues discussed during the trip and the persons with whom the discussions were conducted. If an individual with the Committee staff fails to comply with this requirement, he or she shall be subject to the disciplinary procedures set forth in these rules.

11. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee or Subcommittee, as the case may be, shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

12. DISPOSITION OF COMMITTEE RECORDS

Upon dissolution of the Committee at the conclusion of the 108th Congress, the records of the Committee shall be deemed current records and, consistent with House Resolution 5 of the 108th Congress, shall not be delivered to the Archives of the United States but rather shall become the records of such successor committee as shall be designated by the Speaker.

13. CHANGES IN RULES

These rules may be modified, amended, or repealed by the Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX II—PRINTED HEARINGS

Number	Date	
108-1	March 27, 2003	Subcommittee on Emergency Preparedness and Response joint hearing with the Committee on Energy and Commerce, Subcommittee on Health, "Furthering Public Health Security: Project BioShield." (Printed by the Committee on Energy and Commerce, Serial No. 108-11.)
108-2	March 28, 2003	Full Committee hearing on H.R. 1416, Homeland Security Technical Corrections Act of 2003.
108-3	May 15, 2003	Full Committee hearing, "BioShield: Countering the Bioterrorist Threat."
108-4	May 19, 2003	Subcommittee on Infrastructure and Border Security Joint Field hearing with the Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy and Human Resources, "Northern Border Security." (Printed by the Committee on Government Reform, Serial No. 108-73.)
108-5	May 19, 2003	Subcommittee on Rules hearing, "Perspectives on House Reform: Lessons from the Past."
108-6	May 20, 2003, & May 22, 2003	Full Committee hearing, "How is America Safer? A Progress Report on the Department of Homeland Security."
108-7	May 21, 2003	Subcommittee on Cybersecurity, Science, and Research & Development hearing, "Homeland Security Science and Technology: Preparing for the Future."
108-8	June 5, 2003	Subcommittee on Emergency Preparedness and Response Joint hearing with the Subcommittee on Intelligence and Counterterrorism, "Does the Homeland Security Act of 2002 Give the Department the Tools It Needs to Determine Which Bio-Warfare Threats Are Most Serious?"
108-9	June 6, 2003	Full Committee hearing, "BioShield: Lessons from Current Efforts to Develop Bio-Warfare Countermeasures."
108-10	June 16, 2003	Subcommittee on Infrastructure and Border Security hearing, "Balancing Security and Commerce."
108-11	June 19, 2003	Full Committee hearing, "America's Response to Terrorism: How is DHS Improving our Capabilities?"
108-12	June 21, 2003	Full Committee field hearing in Los Angeles, California, "Protecting Our Commerce: Enhancing the Security of America's Ports."
108-13	June 25, 2003	Subcommittee on Cybersecurity, Science, and Research & Development hearing, "Overview of the Cyber Problem: A Nation Dependent and Dealing with Risk."
108-14	June 25, 2003	Full Committee hearing, "Assessment of Department of Homeland Security Initiatives to Secure America's Borders."
108-15	July 10, 2003	Subcommittee on Rules hearing, "Perspectives on House Reform: Committees and the Executive Branch."
108-16	July 15, 2003	Subcommittee on Cybersecurity, Science, and Research & Development hearing, "Industry Speaks on Cybersecurity."
108-17	July 17, 2003	Full Committee hearing, "First Responders: Localities and the Federal Government Can Strengthen Their Partnership to Make America Safer."
108-18	July 22, 2003	Subcommittee on Cybersecurity, Science, and Research & Development hearing, "Cybersecurity—Getting It Right."
108-19	July 22, 2003	Full Committee Joint hearing with the Committee on the Judiciary, "Threat Integration Center (TIC) and Its Relationship with the Departments of Justice and Homeland Security." (Printed by the Committee on the Judiciary, Serial No. 64.)
108-20	July 23, 2003	Subcommittee on Infrastructure and Border Security hearing, "Best Business Practices in Securing America's Borders."
108-21	July 24, 2003	Subcommittee on Intelligence and Counterterrorism hearing, "Improvements to Department of Homeland Security Information Sharing Capabilities—Vertical and Horizontal Intelligence Communications."
108-22	August 21, 2003	Subcommittee on Intelligence and Counterterrorism Field hearing in Las Vegas, Nevada, "Addressing the Security Needs of the West."

Number	Date	
108-23	September 4, 2003, & September 17, 2003.	Subcommittee on Cybersecurity, Science, and Research & Development and the Subcommittee on Infrastructure and Border Security joint hearing, "Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness."
108-24	September 9, 2003	Subcommittee on Rules hearing, "Perspectives on House Reform: Former House Leaders."
108-25	September 10, 2003	Full Committee hearing, "Perspectives on 9-11: Building Effectively on Hard Lessons."
108-26	September 16, 2003	Subcommittee on Cybersecurity, Science, and Research & Development hearing, "The Invisible Battleground: What the Department of Homeland Security is Doing to Make America's Cyberspace More Secure."
108-27	September 24, 2003	Subcommittee on Emergency Preparedness and Response hearing, "Disease Surveillance: How Can They Help Us Prepare for Bioterrorism?"
108-28	October 1, 2003	Full Committee hearing, "Identification Documents Fraud and the Implications for Homeland Security."
108-29	October 8, 2003	Full Committee hearing on H.R. 2886, Department of Homeland Security Financial Accountability Act.
108-30	October 16, 2003	Subcommittee on Infrastructure and Border Security hearing, "Plugging the Gaps in Border Security: the One Face at the Border Initiative."
108-31	October 16, 2003	Subcommittee on Emergency Preparedness and Response hearing on H.R. 3266, Faster and Smarter Funding for First Responders Act of 2003.
108-32	October 21, 2003	Full Committee hearing, "Funding for First Responders: Ensuring that Federal Funds are Distributed Intelligently."
108-33	October 30, 2003	Subcommittee on Cybersecurity, Science, and Research & Development hearing, "Strength Through Knowledge: Homeland Security Science and Technology Setting and Steering a Strong Course."
108-34	January 28, 2004	Subcommittee on Infrastructure and Border Security hearing, "Integrity and Security at the Border: The US-VISIT Program."
108-35	February 4, 2004	Full Committee hearing, "Homeland Security Advisory System: Improving Preparedness through Effective Warning."
108-36	February 12, 2004	Full Committee hearing on the Department of Homeland Security's proposed Fiscal Year 2005 budget.
108-37	February 25, 2004	Subcommittee on Cybersecurity, Science, and Research & Development hearing on the Department of Homeland Security's Science and Technology Directorate Fiscal Year 2005 budget.
108-38	March 3, 2004	Subcommittee on Emergency Preparedness and Response hearing on the Department of Homeland Security Emergency Preparedness and Response Directorate Fiscal Year 2005 budget.
108-39	March 4, 2004	Subcommittee on Infrastructure and Border Security and the Subcommittee on Intelligence and Counterterrorism joint hearing on the Department of Homeland Security's Information Analysis and Infrastructure Protection Directorate Fiscal Year 2005 budget.
108-40	March 10, 2004	Subcommittee on Intelligence and Counterterrorism hearing on the Department of Homeland Security Information Analysis Division Fiscal Year 2005 budget.
108-41	March 17, 2004	Subcommittee on Infrastructure and Border Security hearing on the Department of Homeland Security's Border and Transportation Security Directorate Fiscal Year 2005 budget.
108-42	March 24, 2004	Subcommittee on Rules hearing, "Homeland Security Jurisdiction: The Perspective of Committee Leaders."
108-43	March 25, 2004	Subcommittee on Intelligence and Counterterrorism and the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security joint hearing, "Progress in Consolidating Terrorist Watchlists—the Terrorist Screening Center (TSC)." (Printed by the Committee on the Judiciary, Serial No. 86.)
108-44	March 30, 2004	Subcommittee on Cybersecurity, Science, and Research & Development hearing, "Homeland Cybersecurity and DHS Enterprise Architecture Budget hearing for Fiscal Year 2005."
108-45	April 21, 2004	Subcommittee on Cybersecurity, Science and Research & Development and the Subcommittee on Infrastructure and Border Security joint hearing, "The DHS Infrastructure Protection Division: Public-Private Partnerships to Secure Critical Infrastructures."
108-46	April 28, 2004	Subcommittee on Emergency Preparedness and Response hearing, "The Office for Domestic Preparedness First Responder Assistance Programs."

Number	Date	
108-47	May 5, 2004	Subcommittee on Infrastructure and Border Security hearing, "Maritime Security Operations Within the Department of Homeland Security."
108-48	May 6, 2004	Full Committee hearing, "Progress in Addressing Management Challenges at the Department of Homeland Security."
108-49	May 12, 2004	Subcommittee on Infrastructure and Border Security hearing, "The Transportation Security Administration's Progress in Enhancing Homeland Security."
108-50	June 3, 2004	Full Committee hearing, "Towards a National Biodefense Strategy."
108-51	June 15, 2004	Subcommittee on Infrastructure and Border Security hearing, "Protecting the Homeland: Building a Layered and Coordinated Approach to Homeland Security."
108-52	June 24, 2004	Full Committee hearing, "Information Sharing after September 11: Perspectives on the Future."
108-53	July 8, 2004	Full Committee hearing, "Practice Makes Perfect: Strengthening Homeland Security by Exercising Terrorism Scenarios."
108-54	July 22, 2004	Subcommittee on Infrastructure and Border Security Joint hearing with the Subcommittee on Criminal Justice, Drug Policy and Human Resources, of the Committee on Government Reform, "Drugs and Security in a Post-9/11 World: Coordinating the Counternarcotics Mission at the Department of Homeland Security."
108-55	August 17, 2004	Full Committee hearing, "9/11 Commission: Towards a Paradigm for Homeland Security Information Sharing."
108-56	September 14, 2004	Full Committee hearing, "Homeland Security: The 9/11 Commission and the Course Ahead."
108-57	September 15, 2004	Full Committee hearing, "Combating Terrorism: The Role of Broadcast Media."
108-58	September 22, 2004	Subcommittee on Emergency Preparedness and Response hearing, "Emergency Warning Systems: Ways to Notify the Public in the New Era of Homeland Security."
108-59	September 29, 2004	Subcommittee on Emergency Preparedness and Response hearing, "The National Incident Management System: Enhancing Response to Terrorist Attacks."
108-60	September 30, 2004	Subcommittee on Infrastructure and Border Security and the Subcommittee on Intelligence and Counterterrorism joint hearing, "Disrupting Terrorist Travel: Safeguarding America's Borders through Information Sharing."

APPENDIX III—LIST OF PUBLIC LAWS

Public Law	Date approved	Bill	Title
108–276	July 21, 2004	S. 15 (H.R. 2122).	Project BioShield Act of 2004. To amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures.
108–293	August 8, 2004	H.R. 2443	Coast Guard Authorization Act. To authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.
108–330	October 16, 2004	H.R. 4259	Department of Homeland Security Financial Accountability Act. To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.
108–375	October 28, 2004	H.R. 4200	Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.
108–458	December 17, 2004	S. 2845	Intelligence Reform and Terrorism Prevention Act of 2004. To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

APPENDIX IV—LEGISLATION PASSED HOUSE

H.R. 10: To provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes. Passed the House, amended, by recorded vote of 282 yeas and 134 nays (Roll No. 523) on October 8, 2004. (As passed by the House, H.R. 10 included H.R. 3266, but was removed during the House-Senate Conference on S. 2845, the companion measure to H.R. 10.)

H.R. 1416: To make technical corrections to the Homeland Security Act of 2002. Homeland Security Technical Corrections Act of 2003. Passed the House, as amended, by record vote of 415 yeas and 0 nays (Roll No. 311) on June 24, 2003.

H.R. 2122: To enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes. Project BioShield Act of 2003. Passed the House, amended, by record vote of 421 yeas and 2 nays (Roll No. 373) on July 16, 2003.

APPENDIX V—COMMITTEE LEGISLATIVE REPORTS

108–104 ...	H.R. 1416	To make technical corrections to the Homeland Security Act of 2002. Homeland Security Technical Corrections Act of 2003. Filed May 15, 2003.
108–147, Pt. III.	H.R. 2122	To enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes. Project BioShield Act of 2003. Filed July 8, 2003.
108–223 ...	H. Res. 286	Directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States. Filed July 21, 2003.
108–358, Pt. I.	H.R. 2886	To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes. Department of Homeland Security Financial Accountability Act. Filed November 12, 2003.
108–460, Pt. I.	H.R. 3266	To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes. Faster and Smarter Funding for First Responders Act of 2004. Filed April 2, 2004.

APPENDIX VI—EXECUTIVE COMMUNICATIONS, MEMORIALS, AND
PETITIONS

EXECUTIVE COMMUNICATIONS

105

January 7, 2003—A communication from the President of the United States, transmitting a reorganization plan for the Department of Homeland Security; (H. Doc. No. 108–16); to the Committee on Homeland Security and ordered to be printed.

106

January 7, 2003—A communication from the President of the United States, transmitting notification of the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, including the factions of the Secretary of Energy relating thereto, shall be transferred to the Secretary of Homeland Security; (H. Doc. No. 108–17); to the Committee on Homeland Security and ordered to be printed.

510

February 4, 2003—A communication from the President of the United States, transmitting a reorganization plan modification for the Department of Homeland Security, pursuant to Public Law 107–296, section 1502; (H. Doc. No. 108–32); to the Committee on Homeland Security (Select) and ordered to be printed.

5464

November 18, 2003—A letter from the Secretary, Department of Homeland Security, transmitting a letter correcting the legal citation of a letter dated May 23, 2003; to the Committee on Homeland Security (Select).

5465

November 18, 2003—A letter from the Secretary, Department of Homeland Security, transmitting notification of the establishment of an organizational unit within the Department of Homeland Security and the reallocation of functions among officers at the Department, pursuant to Public Law 107–296, section 874; to the Committee on Homeland Security (Select).

5467

November 18, 2003—A letter from the Secretary, Department of Homeland Security, transmitting notification of the transfer of a function within the Department of Homeland Security, pursuant to

Public Law 107–296, section 872; jointly to the Committees on Transportation and Infrastructure and Homeland Security (Select).

6273

January 20, 2004—A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to Section 428 of the Homeland Security Act of 2002, a report of the status of implementation of that section of the law, which related to the Department of State and Department of Homeland Security's joint role in the visa process; jointly to the Committees on the Judiciary and Homeland Security (Select).

7287

March 25, 2004—A letter from the Secretary, Department of Homeland Security, transmitting notification of the consolidation of organizational units within the Department of Homeland Security and the reallocation of their functions among Department officers, pursuant to Public Law 107–296, section 872; jointly to the Committees on the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

8985

July 9, 2004—A letter from the Administrator, General Services Administration, transmitting proposed legislation to authorize the transfer of the Nebraska Avenue Complex (NAC) from the U.S. Navy to the General Services Administration (GSA) for the use of the Department of Homeland Security (DHS); jointly to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

MEMORIALS

215

November 18, 2003—A memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 20 memorializing the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County.

216

November 18, 2003—A memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 47 memorializing the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County.

217

November 18, 2003—A memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 51 memorializing the Secretary of the Department of Homeland Security to establish a Pacific Oceanic Administrative Region within the Department of Homeland Security to be headquartered in Honolulu.

230

November 25, 2003—A memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 66 memorializing the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County.

PRESIDENTIAL MESSAGES

610

March 2, 2004—The 2004 National Drug Control Strategy-referred to the Committees on the Judiciary, Agriculture, Armed Services, Energy & Commerce, Education & the Workforce, Financial Services, Government Reform, International Relations, Small Business, Transportation & Infrastructure, Ways & Means, Veterans' Affairs, the Permanent Select Committee on Intelligence, and the Select Committee on Homeland Security.

APPENDIX VII—SUMMARY OF ACTION ON LEGISLATION

PUBLIC LAWS

P.L. 108–268 (H.R. 4322)—To provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

H.R. 4322—Referred to Armed Services May 11, 2004. Rules suspended. Passed House amended June 14, 2004. Received in Senate June 15, 2004. Passed Senate June 21, 2004. Presented to the President June 23, 2004. Approved July 2, 2004. Public Law 108–268.

P.L. 108–276 (S. 15/H.R. 2122)—Project BioShield Act of 2004.

S. 15—To amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program. Referred to Health, Education, Labor, and Pensions Mar. 11, 2003. Reported amended Mar. 25, 2003; no written report. Passed Senate amended May 19, 2004; Roll No. 99: 99–0. Received in House and held at desk May 20, 2004. Passed House July 14, 2004; Roll No. 376: 414–2. Presented to the President July 16, 2004. Approved July 21, 2004. Public Law 108–276.

H.R. 2122—To enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes. Referred to Energy and Commerce and in addition to Government Reform, and Homeland Security (Select) May 15, 2003. Reported from Energy and Commerce June 10, 2003; Rept. 108–147, Pt. I. Referral to Government Reform and Homeland Security (Select) extended June 10, 2003, for a period ending not later than June 13, 2003. Referred to Armed Services June 10, 2003, for a period ending not later than June 11, 2003. Armed Services discharged June 11, 2003. Reported amended from Government Reform June 12, 2003; Pt. II. Referral to Homeland Security (Select) extended June 13, 2003, for a period ending not later than June 27, 2003. Referral to Homeland Security (Select) extended June 27, 2003, for a period ending not later than July 8, 2003. Reported amended from Homeland Security (Select) July 8, 2003; Pt. III. Union Calendar. Passed

House amended July 16, 2003; Roll No. 373: 421–2. Received in Senate and ordered placed on the calendar July 17, 2003.

P.L. 108–293 (H.R. 2443)—Coast Guard and Maritime Transportation Act of 2004.

H.R. 2443—To authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes. Referred to Transportation and Infrastructure June 12, 2003. Reported amended July 24, 2003; Rept. 108–233. Union Calendar. Passed House amended Nov. 5, 2003. Received in Senate and referred to Commerce, Science and Transportation Nov. 6, 2003. Committee discharged. Passed Senate with amendments Mar. 30, 2004. Senate insisted on its amendments and asked for a Conference Mar. 30, 2004. House disagreed to Senate amendments and agreed to a Conference May 6, 2004. Conference report filed in the House July 20, 2004; Rept. 108–617. House agreed to Conference Report July 21, 2004; Roll No. 404: 425–1. Senate agreed to Conference report July 22, 2004. Presented to the President July 28, 2004. Approved Aug. 9, 2004. Public Law 108–293.

P.L. 108–330 (H.R. 4259)—Department of Homeland Security Financial Accountability Act.

H.R. 4259—To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes. Referred to Government Reform and in addition to Homeland Security (Select) May 4, 2004. Reported from Government Reform June 9, 2004; Rept. 108–533, Pt. I. Referral to Homeland Security (Select) extended June 9, 2004 for a period ending not later than June 9, 2004. Homeland Security (Select) discharged. June 9, 2004. Union Calendar. Rules suspended. Passed House July 20, 2004. Received in Senate July 21, 2004. Referred to Governmental Affairs Sept. 7, 2004. Committee discharged. Passed Senate Sept. 29, 2004. Presented to the President Oct. 5, 2004. Approved Oct. 16, 2004. Public Law 108–330.

P.L. 108–375 (H.R. 4200)—Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

H.R. 4200—To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes. Referred to Armed Services Apr. 22, 2004. Reported amended May 14, 2004; Rept. 108–491. Union Calendar. Considered May 19, 20, 2004. Supplemental report filed May 20, 2004; Pt. II. Passed House amended May 20, 2004; Roll No. 206: 391–34. Received in Senate and ordered placed on the calendar May 21, 2004. Passed Senate with amendment June 23 (Legislative day of June 22), 2004. Senate insisted on its amendment and asked for a Conference June 24, 2004. House disagreed to Senate amendment and agreed to a Conference Sept. 28, 2004. Conference report filed in the House Oct. 8, 2004; Rept. 108–767. House agreed to Conference report Oct. 9, 2004; Roll No. 528: 359–14. Senate agreed to Conference report Oct. 9, 2004. Presented to the President Oct. 21, 2004. Approved Oct. 28, 2004. Public Law 108–375.

P.L. 108-458 (S. 2485) (H.R. 10)—Intelligence Reform and Terrorism Prevention Act of 2004.

S. 2845—To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes. Ordered placed on the calendar Sept. 24, 2004. Considered Sept. 27, 28, 29, 30, Oct. 1, 4, 5, 2004. Passed Senate amended Oct. 6, 2004; Roll No. 199: 96-2. Passed the House, amended, Oct. 8, 2004.

H.R. 10—To provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes. Referred to Intelligence and in addition to Armed Services, Education and the Workforce, Energy and Commerce, Financial Services, Government Reform, International Relations, the Judiciary, Rules, Science, Transportation and Infrastructure, Ways and Means, and Homeland Security (Select) Sept. 24, 2004. Reported amended from Intelligence Oct. 4, 2004; Rept. 108-724, Pt. I. Reported amended from Armed Services Oct. 4, 2004; Pt. II. Reported amended from Financial Services Oct. 4, 2004; Pt. III. Referral to Education and the Workforce, Energy and Commerce, Government Reform, International Relations, the Judiciary, Rules, Science, Transportation and Infrastructure, Ways and Means, and Homeland Security (Select) extended Oct. 4, 2004 for a period ending not later than Oct. 5, 2004. Reported amended from Government Reform Oct. 5, 2004; Pt. IV. Reported amended from the Judiciary Oct. 5, 2004; Pt. V. Education and the Workforce, Energy and Commerce, International Relations, Rules, Science, Transportation and Infrastructure, Ways and Means, and Homeland Security (Select) discharged Oct. 5, 2004. Union Calendar. Considered Oct. 7, 2004. Passed House amended Oct. 8, 2004; Roll No. 523: 282-134. Passed the Senate December 8, 2004; Roll No. 216: 89-2. Presented to the President Dec. 15, 2004. Approved Dec. 17, 2004. Public Law 108-458.

PASSED HOUSE / PENDING IN SENATE

H.R. 1416—Homeland Security Technical Corrections Act of 2003.

H.R. 1416—To make technical corrections to the Homeland Security Act of 2002. Referred to Homeland Security (Select) Mar. 25, 2003. Reported amended May 15, 2003; Rept. 108-104. Union Calendar. Rules suspended. Passed House amended June 24, 2003; Roll No. 311: 415-0. Received in Senate and referred to Governmental Affairs June 25, 2003. Reported with amendments Nov. 25, 2003; Rept. 108-214.

LEGISLATION REPORTED / PENDING FLOOR ACTION

H.R. 3266—Faster and Smarter Funding for First Responders Act of 2004.

H.R. 3266—To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes. Referred to Homeland Security (Select) and in addition to Transportation and Infrastructure, the Judiciary, and Energy and Commerce Oct. 8, 2003. Reported amended from Homeland Security (Select) Apr. 2, 2004; Rept. 108-460, Pt. I. Referred to Science Apr. 2, 2004 for a period ending not later than Apr. 2, 2004. Science discharged

Apr. 2, 2004. Referral to Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended Apr. 2, 2004 for a period ending not later than June 7, 2004. Referral to Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended June 3, 2004 for a period ending not later than June 14, 2004. Referral to Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended June 14, 2004 for a period ending not later than June 21, 2004. Reported amended from Energy and Commerce June 14, 2004; Pt. II. Reported amended from Transportation and Infrastructure June 21, 2004; Pt. III. Reported amended from the Judiciary June 21, 2004; Pt. IV. (H.R. 3266 was included in the text of H.R. 10 as introduced, see P.L. 108-458).

H. Res. 286—Directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States. Referred to Homeland Security (Select) June 19, 2003. Reported amended, adversely, July 21, 2003; Rept. 108-223.

PENDING REPORTS

None.

PENDING FULL COMMITTEE ACTION

(REPORTED FROM SUBCOMMITTEE)

None.

LEGISLATION OF INTEREST

(FINAL DISPOSITION AT END OF CONGRESS)

Public Laws

P.L. 108-11 (H.R. 1559)—Emergency Wartime Supplemental Appropriations Act, 2003.

H.R. 1559—Making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes. Reported from Appropriations Apr. 2, 2003; Rept. 108-55. Union Calendar. Passed House amended Apr. 3, 2003; Roll No. 108: 414-12. Received in Senate and passed with amendment Apr. 7, 2003. Senate insisted on its amendment and asked for a Conference Apr. 7, 2003. House disagreed to Senate amendment and agreed to a Conference Apr. 8, 2003. Conference report filed in the House Apr. 12, 2003; Rept. 108-76. House agreed to Conference report Apr. 12, 2003. Senate agreed to Conference report Apr. 12, 2003. Presented to the President Apr. 15, 2003. Approved Apr. 16, 2003. Public Law 108-11.

P.L. 108-69 (H.R. 2859)—Emergency Supplemental Appropriations for Disaster Relief Act, 2003.

H.R. 2859—Making emergency supplemental appropriations for the fiscal year ending September 30, 2003. Referred to Appropria-

tions and in addition to the Budget July 24, 2003. Passed House July 25, 2003; Roll No. 459: 352–60. Received in Senate July 28 (Legislative day of July 21), 2003. Passed Senate July 31 (Legislative day of July 21), 2003. Presented to the President Aug. 7, 2003. Approved Aug. 8, 2003. Public Law 108–69.

P.L. 108–90 (H.R. 2555)—Department of Homeland Security Appropriations Act, 2004.

H.R. 2555—Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes. Reported from Appropriations June 23, 2003; Rept. 108–169. Union Calendar. Passed House amended June 24, 2003; Roll No. 310: 425–2. Received in Senate and referred to Appropriations June 25, 2003. Reported with amendment July 10, 2003; Rept. 108–86. Considered July 21, 22, 23 (Legislative day of July 21), 2003. Passed Senate with amendment July 24 (Legislative day of July 21), 2003; Roll No. 306: 93–1. Senate insisted on its amendment and asked for a Conference July 24 (Legislative day of July 21), 2003. House disagreed to Senate amendment and agreed to a Conference Sept. 10, 2003. Conference report filed in the House Sept. 23, 2003; Rept. 108–280. House agreed to Conference report Sept. 24, 2003; Roll No. 515: 417–8. Senate agreed to Conference report Sept. 24, 2003. Presented to the President Sept. 26, 2003. Approved Oct. 1, 2003. Public Law 108–90.

P.L. 108–136 (H.R. 1588)—National Defense Authorization Act for Fiscal Year 2004.

H.R. 1588—To authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes. Referred to Armed Services Apr. 3, 2003. Reported amended May 16, 2003; Rept. 108–106. Union Calendar. Supplemental report filed May 21, 2003; Pt. II. Considered May 21, 2003. Passed House amended May 22, 2003; Roll No. 221: 361–68. Received in Senate June 2, 2003. Passed Senate with amendment June 4, 2003. Senate insisted on its amendment and asked for a Conference June 4, 2003. House disagreed to Senate amendment and agreed to a Conference July 16, 2003. Conference report filed in the House Nov. 7 (Legislative day of Nov. 6), 2003; Rept. 108–354. House agreed to Conference report Nov. 7, 2003; Roll No. 617: 362–40. Conference report considered in Senate Nov. 11, 2003. Senate agreed to Conference report Nov. 12, 2003; Roll No. 447: 95–3. Presented to the President Nov. 24, 2003. Approved Nov. 24, 2003. Public Law 108–136.

P.L. 108–176 (H.R. 2115)—Vision 100—Century of Aviation Reauthorization Act.

H.R. 2115—To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. Referred to Transportation and Infrastructure May 15, 2003. Reported amended June 6, 2003; Rept. 108–143. Union Calendar. Passed House amended June 11, 2003; Roll No. 264: 418–8. Received in Senate and ordered placed on the calendar June 12, 2003. Passed Senate with amendment June 12, 2003; Roll No. 225: 94–0. Senate insisted on its amendment and asked for a Conference June 12, 2003. House disagreed to Senate amendment and agreed to a Conference July 15, 2003. Conference report filed in the

House July 25, 2003; Rept. 108-240. House recommitted Conference report pursuant to H. Res. 377 Oct. 28, 2003. Conference report filed in the House Oct. 29, 2003; Rept. 108-334. House agreed to Conference report Oct. 30, 2003; Roll No. 592: 211-207. Conference report considered in Senate Nov. 14, 17, 2003. Senate agreed to Conference report Nov. 21, 2003. Presented to the President Dec. 2, 2003. Approved Dec. 12, 2003. Public Law 108-176.

P.L. 108-177 (H.R. 2417)—Intelligence Authorization Act for Fiscal Year 2004.

H.R. 2417—To authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. Referred to Intelligence June 11, 2003. Reported amended June 18, 2003; Rept. 108-163. Union Calendar. Considered June 25, 26, 2003. Passed House amended June 27 (Legislative day of June 26), 2003; Roll No. 333: 410-9. Received in Senate and ordered placed on the calendar June 27, 2003. Passed Senate with amendment July 31 (Legislative day of July 21), 2003. Senate insisted on its amendment and asked for a Conference July 31 (Legislative day of July 21), 2003. House disagreed to Senate amendment and agreed to a Conference Nov. 18, 2003. Conference report filed in the House Nov. 19, 2003; Rept. 108-381. House agreed to Conference report Nov. 20, 2003; Roll No. 649: 264-163. Senate agreed to Conference report Nov. 21, 2003. Presented to the President Dec. 2, 2003. Approved Dec. 13, 2003. Public Law 108-177.

Measures in Conference

H.R. 3550—Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2004.

H.R. 3550—To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. Referred to Transportation and Infrastructure Nov. 20, 2003. Reported amended from Transportation and Infrastructure Mar. 29, 2004; Rept. 108-452, Pt. I. Referred to Education and the Workforce, Energy and Commerce, the Judiciary, Resources, and Science Mar. 29, 2004 for a period ending not later than Mar. 29, 2004. Education and the Workforce, Energy and Commerce, the Judiciary, Resources, and Science discharged Mar. 29, 2004. Union Calendar. Considered Apr. 1, 2004. Passed House amended Apr. 2, 2004; Roll No. 114: 357-65. Received in Senate Apr. 8, 2004. Ordered placed on the calendar Apr. 22, 2004. May 19, 2004. Passed Senate with amendment May 19, 2004. Senate insisted on its amendment and asked for a Conference May 19, 2004. House disagreed to Senate amendment and agreed to a Conference June 3, 2004.

Pass House in Senate

H.R. 3966—ROTC and Military Recruiter Equal Access to Campus Act of 2004.

H.R. 3966—To amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the De-

partment of Defense to establish and maintain Senior Reserve Officers' Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer. Referred to Armed Services and in addition to Education and the Workforce Mar. 12, 2004. Reported amended from Armed Services Mar. 23, 2004; Rept. 108-443, Pt. I. Referral to Education and the Workforce extended Mar. 23, 2004 for a period ending not later than Mar. 23, 2004. Education and the Workforce discharged. Mar. 23, 2004. Union Calendar. Passed House amended Mar. 30, 2004; Roll No. 101: 343-81. Received in Senate and referred to Armed Services Mar. 31, 2004. (Provisions of H.R. 3966 were included in H.R. 4200.)

S. 1657—A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism.

S. 1657—To amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism. Ordered placed on the calendar Sept. 26, 2003. Passed Senate Nov. 10, 2003. Received in House and referred to Transportation and Infrastructure Nov. 12, 2003.

Pending House Action

H.R. 2144—Aviation Security Technical Corrections and Improvements Act of 2003.

H.R. 2144—To amend title 49, United States Code, to make technical corrections and improvements relating to aviation security, and for other purposes. Referred to the House Committee on Transportation and Infrastructure. Committee Consideration and Markup Session Held Jun. 25, 2004.

APPENDIX VII—COMMITTEE STAFF

MAJORITY STAFF

Seto Bagdoyan, *(Government Accountability Office Detailee)**
Kim Baronof, *Professional Staff Member*
Mandy Bowers, *Policy Coordinator*
Charles Brown, *Professional Staff Member**
Donovan Chau, *Professional Staff Member*
Stephen M. Cote, *Policy Coordinator*
Patricia DeMarco, *Counsel*
Stephen W. DeVine, *Deputy Staff Director and General Counsel*
Uttam Dhillon, *Chief Counsel and Deputy Staff Director**
Thomas DiLenge, *Chief Counsel and Policy Director*
Josh Dozor, *Professional Staff Member*
Vic Erevia, *(Secret Service Detailee)**
John C. Gannon, *Staff Director*
Michael Geffroy, *Senior Counsel*
Margie Gilbert, *(Department of Defense Detailee)**
Julie Gunlock, *Professional Staff Member**
Chris Higby, *Professional Staff Member*
V. Dexter Ingram, *Professional Staff Member**
Ken Johnson, *Communications Director*
Mark Klaassen, *Counsel*
Steve Kontos, *(Department of State Detailee)**
Charles R. Korsmo, *Professional Staff Member**
Kim Kotlar, *Policy Coordinator*
Christian Lee, *(Coast Guard Detailee)*
Arthur Lucas, *Staff Assistant**
Carrie Lukas, *Professional Staff Member**
Sterling Marchand, *Professional Staff Member*
Kelly Mauceri, *Deputy Communications Director*
Deron McElroy, *Policy Coordinator*
Ammani Nagesh, *Staff Assistant*
Winsome Packer, *Professional Staff Member*
Jennifer Page, *Press Secretary*
Ryan Patmintra, *Assistant Press Secretary*
Margaret Peterlin, *Professional Staff Member*
Ruby L. Powers, *Staff Assistant**
Stephen Prather, *Policy Coordinator*
Susan Sheybani, *Press Assistant**
Linda Townsend Solheim, *Senior Counsel*
Vince Sollitto, *Communications Director**
Doug Stoss, *Policy Coordinator**
Sharon Squire, *(Secret Service Detailee)**
Julie Sund, *Policy Coordinator**
Amy Swanstrom, *Press Assistant**

Elizabeth Tobias, *Communications Director**
 Josh Weerasinghe, *Senior Advisor on Bioscience*
 Andrew Weis, *Senior Counsel*
 Brian White, *Professional Staff Member**

MINORITY STAFF

Trenton E. Ashby, *Professional Staff Member**
 Scott D. Bates, *Senior Policy Advisor*
 Carla D. Buckner, *Professional Staff Member / Counsel*
 Mark Bysfield, *Professional Staff Member (State Department Detailee)*
 S. Camille Camacho, *Special Assistant to the Staff Director*
 Steven Cash, *Staff Director**
 Peter Cleveland, *Professional Staff Member**
 Glen Davis, *Professional Staff Member (Government Accountability Office Detailee)**
 Michael Eichberg, *Professional Staff Member**
 David Grannis, *Professional Staff Member*
 Gwen Hall, *Professional Staff Member (Department of Defense Detailee)**
 Jessica Herrera, *Professional Staff Member / Counsel*
 Patrick Hogan, *Professional Staff Member (Secret Service Detailee)*
 Hyon Joo Kim, *Professional Staff Member / Counsel**
 Lorraine P. Lewis, *Professional Staff Member / Counsel**
 Joshua Magarik, *Staff Assistant*
 Mark T. Magee, *Deputy Staff Director*
 Dwight McDaniel, *Professional Staff Member (Department of Homeland Security/ICE Detailee)**
 Jim McGee, *Professional Staff Member*
 Jason R. McNamara, *Professional Staff Member*
 Daniel Prieto, *Professional Staff Member (Council on Foreign Relations Fellow)**
 Sue Ramanathan, *Professional Staff Member / Counsel*
 David H. Schanzer, *Staff Director / Chief Counsel*
 John Sopko, *Chief of Investigations / General Counsel*
 Allen L. Thompson, *Professional Staff Member*
 Moira Whelan, *Press Secretary*
 Traci Williams, *Professional Staff Member**

SHARED COMMITTEE STAFF

Dawn Criste, *Chief Financial Officer*
 Peter Ford, *Security Officer (Department of State Detailee)**
 Bill Maxwell, *Security Officer (Department of State Detailee)*
 Diane Norman, *GPO Printer*
 Michael S. Twinchek, *Chief Clerk / Office Manager*
 Joseph Windrem, *Deputy Clerk*

*Indicates that such staff member is no longer employed by the Committee.

ADDITIONAL VIEWS

During the 108th Congress, Democratic Members of the Select Committee undertook a number of initiatives and activities on key homeland security issues. These initiatives and activities included the introduction of legislation, the production and release of policy reports, and related oversight activities. A summary of the activities of the Democratic Members follows.

LEGISLATIVE INITIATIVES

During the 108th Congress, Democratic staff assisted Democratic Members of the Select Committee in producing 14 homeland security legislative initiatives focusing on key issues of concern. Such legislative initiatives helped to shape the debate over the future of homeland security programs. Elements of several bills were included in other legislative vehicles that were either considered by other Committees, passed by the House during the 108th Congress, or were signed into law, to include the Intelligence Reform and Terrorism Prevention Act of 2004. The 14 legislative initiatives are summarized below.

On October 8, 2004, Representative Jim Turner introduced the Winning the War on Terror Act, H.R. 5291, designed to augment the United States' ability to fight terrorists by increasing the size of U.S. Special Forces; increase protections against terrorists by enhancing and strengthening border security, rail security, port and cargo security, aviation security, chemical plant security, cyber security, defenses against bioterrorism, protection of critical infrastructure, private sector preparedness, communication interoperability, information sharing, and protection of civil rights and civil liberties; and prevent the rise of future terrorists through comprehensive international economic, educational, and public diplomacy programs.

On September 29, 2004, Representative Bennie Thompson introduced the Civil Rights and Civil Liberties Protection Act, H.R. 5182, to strengthen the oversight responsibilities of the DHS Officer for Civil Rights and Civil Liberties; ensure DHS compliance with Constitutional, statutory, regulatory, and policy requirements; and designate a senior officer within the Department of Homeland Security Inspector General's office to investigate alleged abuses.

On September 23, 2004, Representative Jim Turner introduced the Secure Borders Act, H.R. 5130 to strengthen border security at and between our ports of entry by creating a \$1 billion infrastructure investment fund to enhance and facilitate security and commerce; mandating deployment of monitoring technology along the entire U.S. Southern border 24 hours a day, 7 days a week; authorize funding to double staffing for Customs and Border Protection personnel; require development of an inter-agency National Land Border Security Strategy; enhance penalties for organized alien

smuggling; give law enforcement additional tools to go after alien smuggling rings; and expand Detention and Removal Operations.

On September 13, 2004, Representative Zoe Lofgren co-introduced the Cyber Security Enhancement Act, H.R. 5068, to create an Assistant Secretary for Cybersecurity within the Department of Homeland Security to establish and manage a national cybersecurity response system; establish a national cybersecurity threat and vulnerability reduction program; and create a national cybersecurity awareness and training program.

On July 14, 2004, Representative Jim Turner introduced the Private Sector Preparedness Act, H.R. 4830, to require the Department of Homeland Security to develop and implement a comprehensive program to enhance private sector preparedness for emergencies and disasters; identify specific elements of this preparedness program, consistent with guidance issued by the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA); and require the Department of Homeland Security to develop and regularly update national voluntary consensus standards for private sector emergency preparedness.

On June 14, 2004, Representative Jim Turner introduced the Secure Visa Waiver Act, H.R. 4550, to require foreign visitors subject to the Visa Waiver Program to be electronically checked against terrorist watch lists and government databases before being permitted to travel to the United States; and extend the deadline for countries to develop passports with biometric identifiers by one year.

On May 19, 2004, Representative Nita Lowey introduced the Connect First Responders Act, H.R. 4400, to establish a new grant program, authorized at \$5 billion over 5 years, dedicated to achieving communication interoperability nationwide; and replace the interagency group (Project SAFECOM) that oversees federal interoperability efforts with a unified office within the Department of Homeland Security to work with federal, state, local stakeholders to develop and implement a national strategy to achieve communications interoperability.

On May 14, 2004, Representative Kendrick Meek introduced the Shield Privacy Act, H.R. 4414, to create a bipartisan Commission on Privacy, Freedom and Homeland Security to study and report on how efforts to improve homeland security are done in a way that is consistent with the protection of civil liberties and fundamental freedoms; create a Chief Privacy Officer for the federal government; and establish Privacy Officers within federal agencies to ensure citizens rights are protected.

On May 13, 2004, Congresswoman Eleanor Holmes Norton introduced the Safe Trains Act, H.R. 4361, to create a \$2.8 billion grant program to strengthen security on American passenger trains and transit lines; increase security of stations, vehicles, bridges, and tunnels; require increased emergency training exercises; and boost explosive and weapons of mass destruction detection and counter-measure capabilities.

On May 12, 2004, Representative Loretta Sanchez introduced the Secure Coasts Act, H.R. 4355, to develop security standards for all containers entering U.S. ports; require inspections to ensure all

shippers comply with security practices; increase port security grants by a total of \$537 million for fiscal year 2004; increase the strength of the U.S. Coast Guard to 50,000 and accelerates the modernization of the Coast Guard's fleet of ships and aircraft from 22 years to 10 years.

On May 6, 2004, Representative Edward Markey introduced the Safe Planes Act, H.R. 4312, to require DHS to establish and implement a program to fully inspect all cargo on passenger aircraft; require all terminal airport workers to go through screening and background checks before entering secure areas, and improve the Transportation Security Administration's policy planning for deploying detection technologies, defending against shoulder-fired missiles, and training flight attendants.

On May 4, 2004, Representative Jim Turner introduced the Rapid Cures Act, H.R. 4258, to develop a national plan to shorten from years to months the time from detection of a disease to its treatment and cure; and speed development of clinical trial protocols for vaccines during a national health crisis.

On March 2, 2004, Representative Jim Turner introduced the U.S.-Israel Homeland Security Foundation Act, H.R. 3871, to establish a homeland security grant program to support joint U.S.-Israeli research and development efforts, based on similar existing programs for industrial and agricultural research and development.

On September 24, 2003, Representative Jim Turner introduced the Prepare Act, H.R. 3158, to reform the current first responder grant system by determining essential capabilities needed to protect American communities; revise the color-coded threat advisory system; provide interoperable communications equipment for first responders; and require first responder equipment and training standards to be established.

DEMOCRATIC MEMBER OVERSIGHT REPORTS

Democratic Members sponsored 12 homeland security oversight reports during the 108th Congress on various topics of concern. A summary of the 12 reports follows:

Bioterrorism: America Still Unprepared

In October, 2004, Representative Jim Turner, with assistance from Congresswoman Donna Christensen, released a report three years after 9/11 and the 2001 Capitol anthrax attacks on the preparedness of America's state and local governments to respond to a major bioterror attack or infectious disease outbreak. The report is based on surveys of state and local health departments regarding the sufficiency of their resources to meet federal preparedness standards.

America at Risk: Choices Leave Homeland Vulnerable

In October 2004, concurrent with the passage of the homeland security appropriations act for fiscal year 2005, Representative Jim Turner released a report outlining the status of homeland security issues across America and proposals to rectify identified problems.

Transforming the Southern Border: Providing Security and Prosperity in the Post-9/11 World

In September 2004, Representative Jim Turner released a 130-page report calling for the transformation of the U.S. Southern Border to enhance security and promote economic prosperity. The result of 6 months of Democratic staff oversight and visits to border communities, the report highlights the security situation on the southern border and offers policy recommendations to enhance security.

Securing Our Homeland, Strengthening Our Liberties

In May, 2004, the SHIELD Privacy Act (H.R. 4414), introduced by Representative Kendrick Meek, was accompanied by a report outlining ways to strengthen homeland security by protecting privacy and civil liberties.

America at Risk: Closing the Public Transportation Security Gap

In May 2004, the Safe TRAINS Act (H.R. 4361), introduced by Congresswoman Eleanor Holmes-Norton, was accompanied by this report outlining the security status of U.S. passenger rail systems and proposing policies to correct identified needs.

America at Risk: Closing the Port Security Gap

In May 2004, the Secure COAST Act (H.R. 4355), introduced by Representative Loretta Sanchez, was accompanied by this report outlining the security situation at U.S. ports and proposing policies to correct identified needs.

America at Risk: Closing the Aviation Security Gap

In May 2004, the Safe PLANES Act (H.R. 4312), introduced by Representative Markey, was accompanied by this report outlining the security situation within the U.S. aviation sector and proposing policies to correct identified needs.

Beyond Anthrax: Confronting the Future Biological Weapons Threat

In May 2004, the Rapid Cures Act (H.R. 4258), introduced by Representative Jim Turner, was accompanied by this report describing advances in biotechnology and the ramifications for existing bioterrorism countermeasures. The report proposes a rapid “bug to drug” capability to counter bioterrorism threats.

Winning the War on Terror

In April 2004, Representative Jim Turner released a 90-page plan to eliminate the threat of al-Qaeda to the United States. The report, which includes over 100 specific recommendations, sets forth a strategy to win the current war against al-Qaeda and like-minded groups. Produced with the assistance of the Democratic leadership of other Committees, former officials of previous Democratic administrations, and over 35 outside experts on national security, homeland defense, and foreign policy who have traditionally advised Democratic Members, *Winning the War on Terror* reaffirms the commitment needed to prevail in the U.S. struggle against terrorism.

America at Risk: Closing the Security Gap

Released by the Democratic Members of the Select Committee in February 2004, this 135-page report assesses the homeland security situation across the United States and recommends specific actions to strengthen protections against terrorists.

A Biodefense Failure: The National Smallpox Vaccination Program One Year Later

Issued in January 2004, one year after the initiation of the National Smallpox Vaccination Program, this report assesses the effectiveness of the vaccination effort and the remaining challenges present to make America safe against a smallpox bioterror attack.

America at Risk: The State of Homeland Security

Released in January 2004 by the Democratic Members of the Select Committee, the report articulates initial findings regarding the country's homeland security situation.

Keeping Terrorists Out of America by Unifying Terrorist Watch Lists: 10 Requirements for an Effective Screening Center

Released in November 2003 by the Democratic Members of the Select Committee, the report specifies ten requirements for an effective Terrorist Screening Center, and urges the establishment of a detailed expedited timeline to correct any existing TSC deficiencies.

OVERSIGHT INQUIRIES AND RELATED ACTIVITIES

During the 108th Congress, Democratic Members of the Select Committee directed the Democratic staff to undertake a series of oversight inquiries into key homeland security issues. These inquiries are summarized below.

As a result of meetings held in February 2004 in Laredo, Texas with South Texas government, civic, and industry leaders on issues facing border communities, Representative Jim Turner tasked the Democratic staff of the Select Committee to closely examine all aspects of homeland security on the U.S. Southern border. On five separate fact-finding trips, several of which included the majority staff, the Democratic staff visited 24 of the 43 crossing points on the Southern border and inspected hundreds of miles of border territory between the official ports of entry. The staff interviewed hundreds of current and retired Department of Homeland Security employees, received briefings from virtually all federal agencies, and met with scores of subject matter experts to include city and state officials, community leaders, union officials, business leaders, and trade groups. A 130-page report outlining security issues was produced by the Democratic staff as a result of this six-month oversight effort. As a result of the findings and recommendations of the report, the Democratic staff of the Committee produced legislation to address identified issues (see Legislative Activities, above).

In conjunction with an overall assessment in the spring and summer of 2004 of security along the U.S. Southern border, Representative Jim Turner asked the Democratic staff to determine the Department of Interior's homeland security efforts on federal lands

adjoining the border. Staff identified several issues regarding coordination between DHS and the Department of Interior and the adequacy of current border security efforts. The issues, along with recommendations for corrective action, were included in the September 2004 report, "Transforming the Southern Border: Providing Security & Prosperity in the Post 9/11 World" (see Oversight Reports, above).

Over the course of the second session of the 108th Congress, the Democratic staff, at the request of Ranking Member Turner, conducted a lengthy review of DHS' US-VISIT entry-exit program. Specifically, four oversight letters were forwarded to Secretary Ridge, outlining in detail an understanding of the status of the Department's large new procurement effort to improve information-sharing among border security agencies, as well as the nature and sufficiency of the US-VISIT program's two-fingerprint scanning system.

During the second session, the Democratic staff, at the behest of Ranking Member Turner, examined the circumstances surrounding efforts to award a major contract during 2004 for the production of 75 million doses of anthrax vaccine for the National Strategic Stockpile. Oversight efforts continue.

In response to allegations of serious national security concerns, Ranking Member Turner directed the Democratic staff to travel to the Akwesasne Indian nation, situated on the St. Lawrence River, on both sides of the U.S./Canada border. As a result of meetings and briefings with officials from the U.S., Canada, and the Mohawk Indian nation, two oversight/coordination letters were written to the Department of Homeland Security concerning the Akwesasne nation and coordination issues involving Customs and Border Protection (CBP) and Immigration and Customs Enforcement assets.

In March 2004, Ranking Member Turner directed the Democratic staff to examine allegations made by officials within DHS concerning problems associated with the Federal Financial Management System (FFMS) within DHS' Bureau of Immigration and Customs Enforcement. The staff examined the integrity of the system, its purported inability to perform at acceptable levels, and possible Anti-Deficiency Act violations as a result of FFMS shortfalls. As a result of oversight activities, Representative Turner requested DHS' Inspector General to audit the financial system; a second letter was sent to Secretary Ridge outlining concerns. DHS' corrective efforts are ongoing.

In January 2004, Ranking Member Turner directed the Democratic staff to look into homeland security aspects of the Department of Interior's law enforcement functions. In particular, the staff examined the circumstances surrounding the activities of Park Police officers in relation to a suspicious package placed next to the Washington Monument for nearly an hour on the two-year anniversary of September 11. The staff also looked into the 2003 "tractor man" incident where Dwight W. Watson drove a tractor into Constitution Gardens.

In January 2004, Ranking Member Turner directed the Democratic staff to look into the circumstances surrounding DHS Customs and Border Protection awarding a \$500 million contract to the Pacific Northwest National Laboratory, and the expertise of this

particular laboratory in relation to others. As a result of this oversight effort, Representative Turner sent a letter to CBP requesting the documentation surrounding the formation of this contract. The Government Accountability Office was ultimately requested to continue looking into this matter due to the complexities of procurement and contracting law.

Over the course of the second session, Ranking Member Turner and other Democratic Select Committee Members sent 59 oversight letters to DHS and other government agencies on such diverse topics as bioterror, border security and maritime security. Rep. Turner requested four GAO investigations into issues involving the US-VISIT program, air cargo security, and the transportation of plutonium. Additionally, five requests to Inspector Generals of various agencies were made to examine such issues as security guidelines for aircraft coming into this country, and the security of our national parks and monuments.

During the 108th Congress, Ranking Member requested that the DHS' Inspector General carry out 22 audits, inspections, or investigations on key homeland security topics over the course of fiscal year 2004. Specific issues include whether the DHS' Information Analysis and Infrastructure Protection Directorate possesses the necessary information technology systems to allow it to function effectively as a member of the Intelligence Community, the viability of ICE's financial management system, and the adequacy of the DHS' "known shipper" program to secure cargo placed on passenger aircraft. Such topics, and a majority of the others requested, were included in the Office of the Inspector General's audit and investigations plan for fiscal year 2004.

ASSISTANCE TO THE DEMOCRATIC CAUCUS, OTHER COMMITTEES, AND SELECT COMMITTEE MEMBERS

During the 108th Congress, both Democratic Members and staff of the Select Committee worked closely with other Members of the Democratic Caucus to provide support on homeland security issues. Highlights of such support include:

The Democratic staff of the Select Committee provided the Democratic Leader with over 30 pieces of draft legislation to help craft a comprehensive bill to implement the findings of the 9/11 Commission. Following the introduction of H.R. 10, the Democratic Staff, working in cooperation with staff colleagues on the Government Reform Committee, produced a detailed analysis of the bill in comparison to the 41 recommendations of the 9/11 Commission's report, along with a list of other provisions included in H.R. 10 that did not directly relate to the Commission's report.

The Democratic Members of the Select Committee wrote a series of letters to the Budget and Appropriations Committees regarding the adequacy of DHS' fiscal year 2005 budget request, and recommended specific increases for select homeland security programs.

During the second session of the 108th Congress, Democratic Members and staff of the Select Committee worked in concert with the Democratic Leadership, the Democratic Homeland Security Caucus and other Democratic Members at several press and related public events to underscore the current status of homeland

security programs, and propose alternative approaches on such topics as aviation security, port security, bioterrorism, rail security and civil liberties.

On September 5, 2003, the Democratic Members of the Select Committee released the Democratic Strategy on Homeland Security. The document specified the state of homeland security and articulated alternative approaches in such areas as preventing terrorist attacks before they can occur, protecting U.S. sea, air, and land borders, providing for robust security inside America, and preparing communities to respond to a terrorist attack.

JIM TURNER,
Ranking Member,
Select Committee on Homeland Security.

